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Bengal Legislative Assembly

Eleventh Session, 1941

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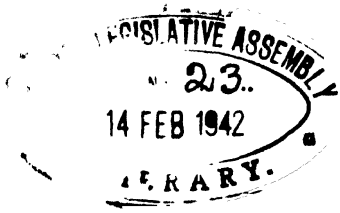

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency SIR JOHN ARTHUR HERBERT, G.C.I.E.

MEMBERS OF THE COUNCIL OF MINISTERS.

(1) The Hon'ble Mr. ABUL KASEM FAZLUL HUQ, in charge of the Education Department.

(2) The Hon'ble Khwaja Sir NAZIMUDDIN, K.C.I.E., in charge of the Home Department.

(3) The Hon'ble Sir BIJOY PRASAD SINGH ROY, in charge of the Revenue Department.

(4) The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, in charge of Public Health (including Medical) and Local Self-Government Departments.

(5) The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar, in charge of Communications and Works Department.

(6) The Hon'ble Mr. HUSEYAN SHAHEED SUHRAWARDY, in charge of Finance, Commerce and Labour Departments.

(7) The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur, in charge of the Judicial and Legislative Departments.

(8) The Hon'ble Mr. PRASANNA DEB RAIKUT, in charge of the Forests and Excise Departments.

(9) The Hon'ble Mr. MUKUNDA BEHARY MULLICK, in charge of the Co-operative Credit and Rural Indebtedness Departments.

(10) The Hon'ble Mr. TAMIZUDDIN KHAN, in charge of Agriculture and Industries (including Veterinary) and Rural Reconstruction Departments.

GOVERNMENT OF BENGAL.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE ASSEMBLY.

SPEAKER.

The Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur.

DEPUTY SPEAKER.

M. ASHRAFALI, Esq., Barrister-at-Law.

SECRETARY.

K. ALI AFZAL, Esq., Barrister-at-Law.

FIRST ASSISTANT SECRETARY.

Rai N. N. SEN GUPTA Bahadur.

SECOND ASSISTANT SECRETARY.

Khan Sahib QUAZI MUHAMMAD SADRUL OLA.

REGISTRAR.

A. B. CHATERJI, Esq.

THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

Volume LX—No. 3.

(Official Report of the Eleventh Session.)

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 12th August, 1941, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 8 Hon'ble Ministers and 201 members.

Obituary Reference.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, with your leave and the leave of the House, I beg to move a resolution on the sad demise of Rabindra Nath Tagore. It reads as follows:—

"This Assembly records its deep sense of grief at the passing away of Dr. Rabindra Nath Tagore. Not only Bengal or India but the world itself has suffered an irreparable loss by the death of this noble son of Bengal whose contribution to civilisation and the quality of whose genius had earned both for himself and his country an honoured place in the comity of nations. As a poet, he provided joy, solace and inspiration to millions and as a humanitarian he earned the love of all mankind. This House conveys its profoundest sympathy to his son Mr. Rathindra Nath Tagore and his relatives and mourns with the rest of India the loss of the Great departed."

Sir, it is not an easy task to pay a tribute in words to the memory of Rabindra Nath Tagore. During the past few days men and women all over the world have tried to pay their tributes of love, homage and respect to the memory of the great departed and one cannot but at once see the versatility and the personality of Rabindra Nath when he finds that people in distant parts of the world have had something to say, something to emphasise, the points that stand out prominently in the character of Rabindra Nath. Speaking as a Bengalee, belonging to

the province which gave Rabindra Nath birth, speaking the very language which Rabindra Nath spoke, it is impossible to lose sight of the fact that the great man who earned for the Bengali literature one of the highest positions in the languages and literatures of the world is no more with us, and that all that now lives are his works enshrined not merely in books but in the hearts of millions of his countrymen. Sir, I am reminded at the present moment of those beautiful lines of Tennyson referring to the death of his friend whom he has immortalised in his "In Memoriam". We can truly say with the great poet that "we feel it almost half a sin to put in words the grief we feel, for words like nature half reveal and half conceal the sorrow within". It is impossible to try and exhaust the tribute and eulogy which can be fittingly paid to Rabindra Nath. It is not enough to say that he was great. He was great as a poet; he was great as a philosopher; he was great as an educationist; he was great as a humanitarian; he was great in his songs and the whole world knows that he could not merely write poetry and speak poetry but he lived poetry throughout his life. He has actually made it a problem with us. His realities of life are realities when poetry itself is a reality and when all is said and done we feel as Bengalees that we never knew when he was with us what he was not merely to Bengal, not merely to the whole of India, but to the whole of cultured humanity all over the world. I leave it to others who can do it better to say what we all feel on this side of the House and I hope that the few words which I have been privileged to speak on this occasion will be taken to be indicative of our deep sense of sorrow not as individuals, not as members of a community but as members of the great Bengalee race who are proud to-day that we had in our midst one like Rabindra Nath to whom the whole world, whether he was alive or whether as now he was not alive, the whole of the cultured humanity readily pays homage.

Sir, I commend my motion to the acceptance of the House.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, it is my mournful duty to associate myself with the resolution which has been placed before you by the Hon'ble the Leader of the House. Sir, I feel that to attempt to speak on the life and work of Rabindra Nath Tagore would be a stroke of temerity. To attempt to appraise his worth would be to push temerity still further, specially when his ashes have hardly grown cold.

Sir, I have listened to the tribute which was paid to his memory by the Hon'ble the Leader of the House and I shall only add, attempt to add, a few words of my own, not because I consider it necessary but because it is the accepted tradition in these matters to say a few words.

We are proud, Sir, that Rabindra Nath was a Bengali. We are prouder still that all India claimed him as her own. We are infinitely

prouder that the whole world claimed him as her own. I had the good fortune of seeing him for a couple of days at Santiniketan only a few months ago, and every moment I saw him I felt that he was living in an atmosphere serene with the stillness of the Heavens and fragrant with the breath of the gods. Sir, Rabindranath was a Bengali. I have already said, we are proud that he belonged to Bengal, and in this connection may I repeat what I had occasion to say a few days ago: "Through him the voice and spirit of Bengal spoke to the wide world; and the coming ages will recognise him as the Prophet from Bengal; through him Bengal's soul rose to the sublime heights of universalism".

I desire to add one word more. The more one saw Rabindranath and the more one met him, the more one realised the depth and intensity of his love for his country. Since 1905, he had taken a most active part in the freedom movement in India. And who does not know to-day that Bengal and India are singing the songs which he composed from 1905 onwards. If Rabindranath was great as a patriot, he was greater as an internationalist; amidst the clash of ideals he dreamt the dream of a freer world; he dreamt the dream of the Parliament of man, the federation of the world. And no greater respect can be paid to his memory than if we, each and all of us, not only those who have assembled in this room but people outside this room in this country—in the rest of this world—were able to contribute our share to the creation of the Parliament of man, the Federation of the World of which he dreamt.

Mr. KIRAN SANKAR ROY: Mr. Speaker, on behalf of the party I have the honour to lead I associate myself fully with the sentiments expressed by the Hon'ble Chief Minister and Mr. Sarat Chandra Bose.

Sir, this is not the time nor the place nor am I competent to appraise the value of Rabindranath's contribution to the world of thought and literature. But undoubtedly he was the greatest lyric poet of his age and perhaps of all ages. Human moods, human longings, love, sorrow, joy, ecstasy, heart-ache in all its variations never found more exquisite expression as in his poems. But he was more. He was a great philosopher, a great composer of songs, a great patriot without the narrow bitterness of nationalism—a seer and what is not so generally known—one of that rare combination—a practical visionary. Look at the work done in Sriniketan.

But not merely that also. Once in a thousand years comes a man through whom an entire nation expresses itself. Such was Vyasa and Valmiki in ancient India, such was Homer in Greece, Virgil in Rome, Dante in Catholic Italy and in modern times Goethe in Germany and Tolstoy in Russia. And such was Rabindranath in India. India expressed her dreams and aspirations, her ancient wisdom and modern

questioning, her contemplative stillness and urge towards dynamism through him in a way at once sublime and beautiful—for he was nothing if not a supreme creator of beauty which for him also meant truth.

Mr. Speaker, for half a century and more he has given us out of his inexhaustive store—poetry and music, drama and novels, essays and criticism—art in all forms. He was more than a person. The Gurudev of India was an institution. And now that he is gone, it is difficult for us who have grown under the influence of his radiant and divine personality—even to imagine that he is not with us. It has been well said that it almost seems as if the Himalayas have ceased to stand as the measuring rod of the earth extending from the East to the West or as if the very Ganges which has given life and beauty to India—given food to the hungry and water to the thirsty has suddenly ceased to flow.

Sir, it is a matter of great and special pride to us that Rabindranath though a world citizen belonging to all countries and all times was also a Bengalee. It would not be human if we Bengalees did not feel this —at least on this day of our sorrow. Who does not know that the soft sky of Bengal is softer, the green of the groves and meadows of Bengal more green—the sunlight of Bengal's sky more golden, the moonlight more silvery, the south-wind more wistful, the waters of Bengal's rivers sweeter because the great wizard has cast his magic spell over them. He is gone but the spell will be there unbroken and eternal and he will be among the greatest of the immortals as long as men are moved by beauty.

We who have been privileged beyond measure to have seen him, to have known him, to have heard his great language to-day send him our *pranam* in deepest thankfulness on our behalf and on behalf of the unborn generations.

Mr. M. SHAMSUDDIN AHMED: Mr. Speaker, Sir, but for the tradition in vogue here, I would not have ventured to speak on this solemn occasion. Sir, it is impossible for any one, especially a Bengali, to describe at this time the many-sided attributes and qualities that Rabindranath possessed; and I do not want to describe them. As everybody knows, Rabindranath belonged to a rich zamindar family of Bengal.

Sir, what has Rabindranath done for Bengal and India, and for the whole world? First of all, he has revolutionized the Bengali literature: we have heard of politicians, we have heard of other people who being in positions of authority have revolutionized the language and literature of their countries: but here what do we find?—we find that Rabindranath has not only revolutionized the Bengali literature but he also founded the *Viswa Bharati* which will shine out as a lasting gift that he had bequeathed to his people—and not only to his people but

to the whole world. This great institution will show what Rabindranath truly was. As Mr. Bose and I have already stated, Sir, I do not want to dilate on the many-sided activities of Rabindranath for, especially at this time, it is impossible to describe his many-sided qualities. Sir, as Bengalis, we feel proud that Rabindranath has not only raised the position of our language in the estimation of the whole world, but has also established before the world that we, the Bengalis, are an intellectually advanced race.

Sir, death has certainly snatched Dr. Rabindranath away from us, but though he is separated from us, the legacy that he has left behind will live for generations and Rabindranath will never die. Men may die: we may burn them as we like or we may bury them, but the works that they do and the actions that they leave behind them—those will be the criteria by which men are to be judged. So, Rabindranath has left behind him a legacy not only for this generation, not only for this land but for generations to come and for the whole world.

Sir, with these words I support the resolution that has been moved by the Hon'ble the Leader of the House.

Mr. JOGENDRA NATH MANDAL : মিঃ স্পিকার, স্যার, মহামানব বিশ্বকবি রবীন্দ্রনাথের মহাপ্রয়াণে আজ শুধু বাংলাদেশ নহে, ভারতবর্ষ নহে, সমগ্র বিশ্ব শোকে অভিভূত। বাঙ্গালী আমরা আমাদের ইহাই পরম সান্ত্বনা, চরম দুঃখেও আমাদের ইহাই পরম সান্ত্বনা, যে আমাদের দুঃখে আজ বিশ্বমানব, বিশ্বজগত অংশ গ্রহণ করিয়াছে। রবীন্দ্রনাথের মনীষা, তাঁহার সর্বতোমুখী প্রতিভা ও তাঁহার বহুগুণ বর্ণনা করার মত ভাষা আমার নাই। কবি ও মানুষ হিসাবে তাঁহার শ্রেষ্ঠত্ব ও মহত্ব শুধু অনুভব করার বস্তু, বর্ণনা করার নহে। রবীন্দ্রনাথের মত সুসন্তান পাইয়া বঙ্গজননীর আসন সমগ্র বিশ্বে কত উর্দ্ধে উঠিয়াছিল সে কথা সকলেই অনুভব করিতে পারেন। শুধু বাংলাদেশ নহে, ভারতবর্ষ যে বিশ্বের আসনে গৌরবজনক স্থানে অধিষ্ঠিত হইয়াছে তাহার প্রধানতম কারণ রবীন্দ্রনাথের অবদান।

পৃথিবীতে বহু কবি এবং বহু শ্রেষ্ঠ ব্যক্তি অনেক সময় জন্মগ্রহণ করিয়াছেন, কিন্তু, এমন একজন ব্যক্তি, যাঁহার ভিতর সমস্ত গুণ, কবি হিসাবে সকল প্রকারের প্রতিভা, মানুষ হিসাবে সকল প্রকারের মহত্বের সমাবেশ হইয়াছে এরূপ দৃষ্টান্ত খুব কমই পাওয়া যায়। তাহার পর আর একটী কথা, চিরদিন শুধু বাঙ্গালী নহে, ভারতবাসীও স্মরণ করিয়া নিজেদের গৌরবান্বিত মনে করিবে—জালিওনাবাগের ঘটনার পরে যেদিন বিশ্বকবি রবীন্দ্রনাথ তাঁহার Knighthood প্রত্যাখ্যান করিয়া দেশপ্রেমের জ্বলন্ত দৃষ্টান্ত দিয়েছিলেন—সেই দিনের কথা বাঙ্গালী তথা ভারতবাসী চিরদিন কৃতজ্ঞতার সহিত স্মরণ করিবে। এবং সেই কথা যখনই পরাধীন বাঙ্গালী বা ভারতবাসীর মনে জাগরুক হইবে তখনই তাহারা বুকে বল এবং বাহুতে শক্তি পাইবে। বাস্তবিকই রবীন্দ্রনাথের মত শ্রেষ্ঠ সুসন্তান বক্ষে ধারণ করিয়া বঙ্গ জননী ধন্যা হইয়াছিলেন। রবীন্দ্রনাথ

বাস্তবিকই বাংলার গর্ব্বস্থল, শুধু বাংলার কেন, ভারতবর্ষের গর্ব্বস্থল। আজ তাঁহার মহাপ্রয়াণে আমরা শোকান্বিত; কিন্তু, একথা চিরকাল ভারতবাসী আমাদের স্মৃতিপথে জাগ্রত থাকিবে যে এই মহামানব একদিন ভারতবর্ষকে বিশ্বের শ্রেষ্ঠ আসনে অধিষ্ঠিত করিবার শক্তি অর্জ্জন করিয়াছিলেন। আজ প্রধান মন্ত্রী মহোদয় যে প্রস্তাব উত্থাপন করিয়াছেন আমি তাহা সর্ব্বান্তকরণে সমর্থন করিতেছি, এবং আমাদের তরফ হইতে গভীর শোক প্রকাশ করিতেছি ও গুরুদেবের শোক-সন্তপ্ত পরিবারবর্গের প্রতি আমাদের আন্তরিক সমবেদনা জ্ঞাপন করিতেছি।

Mr. W. C. WORDSWORTH: Mr. Speaker, this group wishes to be associated with the resolution and offers its sympathy to a bereaved family and a bereaved people. Many of us must have come to think of Dr. Rabindranath Tagore as a permanent splendour in our surroundings and now that that fine presence has vanished we feel like men from before whose eyes some great, noble and familiar tree has suddenly gone leaving a gap that disturbs the mind. The eye will in time adjust itself to the change of scene but so long as there are men who know what things were before, there will always be regret and a sense of loss.

Bengal's loss, India's loss is very great to-day, but let us think of what of Dr. Rabindranath Tagore remains. Of him may be used the words "He came among men that men might have life more abundantly". His gifts were abundant, he bore them abundantly so that they flowed over his own people and overflowed for the good of other peoples.

He was great—many-sided in his greatness as few are many-sided. He was happily constituted in that wisdom, the perception, the profoundity, the harmony, the music in his nature he could give form to in many domains. Poet, writer of great fiction, writer of songs and hymns, maker of music, commentator on things human and divine, painter, philosopher, these are only a few of the spheres in which he achieved greatness. He has enriched his country's thought and feeling and a student of language, if not a Bengalee, knows how he has enriched the language of his own people. He has made his impression on the world's literature and the world's thinking about certain things and altogether he has given men that precious boon, the capacity for a greater undertsanding of their own experiences.

What he has left behind is a great heritage to more than India. For many generations here his poems will be treasured, his prose enjoyed, his songs sung and some of us hope that some day his fine thoughts and visions for education and for the betterment of the poor will be as pervasive as his songs and his melodies are to-day.

This is a little of what this group would like to say. It is said, "With sorrow for a great man's passing, with joy for what he has done and what he has left."

The mortal part of him has lived its day but the greater part remains for long to come, perhaps for ever. His spirit, his wisdom, his humanity, his fine courage, his love for all these things will not soon be forgotten. It is a legacy that each of us, whatever our race, may possess to the full without taking away anything from anyone else.

Maharajakumar UDAY CHAND MAHTAB: Mr. Speaker, Sir, on behalf of the Nationalist Party, I have the honour to associate myself with the resolution moved by the Hon'ble Leader of the House. Many tributes of love, homage and devotion have been paid to the memory of Rabindra Nath Tagore and there is very little that a humble person like myself could add to what has already been said about him, because on an occasion like this words cannot adequately express the sentiments that one feels.

Sir, Rabindra Nath can never die, for he will always remain enshrined in the hearts of us all by his poems, his songs and his works. Death can never rob such a man from us.

Sir, with these few words, I join with all the other members of this House in paying my humble tribute of respect and reverence to the revered memory of the late Rabindra Nath Tagore.

Mr. ANUKUL CHANDRA DAS: Sir, on behalf of my party, I beg to associate myself with what has been said by the Hon'ble Chief Minister and the other leaders in the House.

Sir, the death of Rabindra Nath has created a void which will never be filled up for thousand years to come. It is a loss not only to Bengal but to India and the whole world. The whole world mourns this loss to-day. Sir, he was not only a great poet but a great philosopher, a political thinker, a patriot and a great humanitarian and by his death the world suffers a loss which is irreparable.

Sir, we are proud that Rabindra Nath was a Bengalee; we are proud that the world mourns his loss.

With these few words, Sir, I beg to pay my humble tribute to the death of the great deceased.

Mr. J. W. CHIPPENDALE: Sir, I desire to associate myself with all that has been said about the Maharshi of our day. We mourn his loss; not only we in Bengal but the rest of India and the whole world. This great son of Bengal wrote soul-stirring poems which are admired by men throughout the world. He was a great educationist and an

embodiment of his system and methods of education stands in Bengal to-day at Santiniketan. Sir, he was a great philosopher, a great thinker, and above all a man who loved his fellow beings. His genius, Sir, was versatile. He was a great artist also and had an international repute,—a man of high ideals, lofty in achievements, and in manners serene, and gracious. Throughout his life he preached the gospel of love and hope. He devoted himself to the service of mankind and has left to us an imperishable inheritance both in his writings and in his life. His spirit, Sir, still lives with us and will guide India in her march towards her glorious destiny giving her a place amongst the nations of the world.

Sir, there is another aspect which we ought not to forget. With this great sorrow is also mingled a leading note of triumph and of joy. Bengal is proud of the fact that this bright spirit took its birth in Bengal. He was a son of Bengal and, as such, he enriched not only the language but the life of Bengal and gave Bengal a name and a place among the nations of the world. When he had accomplished his mission; and had finished the work which he came to do, he departed this life in calmness and in peace. He went forth by the ancient path—the path of the fathers of old—in fulness of years and in midday splendour and entered the realms of love and light from which abode there is no returning. This, Sir, is a matter of great joy and deep thankfulness for us all.

Mr. SPEAKER: Ladies and gentlemen, before I place the resolution for your acceptance, may I add my own humble tribute to the memory of Rabindra Nath Tagore and express my deep sorrow at the death of this renowned poet? We are still too near the sad occasion to give expression to what we feel within ourselves or to make a human appraisement of the character and teachings of a man like Rabindra Nath Tagore. For over half a century and more he has not merely lived in this province or with this country, but with the whole world. An embodiment of the deepest and intense national feelings, he has kept himself in the forefront of the ideals which may be called international, and I believe I am giving expression to the feelings of all when I say that by his death culture and humanity are poorer to-day. It is not necessary for me to refer to his contributions to the literature either of this province or the literature of the world, but one thing which I want to say is that in his literature he has made us feel proud of our province, proud of our heritage, proud of our surroundings. I believe there are many in this hall acquainted with the rural and pastoral life of Bengal and constantly reminded of the vivid description of the poet. The red path of Birbhum drew out a song from him which is sung throughout Bengal and the streams and rivers of

this province have also drawn out a patriotic picture in his literature. He was a man who walked with Kings and yet never felt out of touch with the commoner. All I need say at the conclusion of the proceedings of to-day is: let us hope that the message he has left behind will abide with us and that he will live with us and inspire us for centuries to come.

The resolution which has been placed before you is:—

"This Assembly records its deep sense of grief at the passing away of Dr. Rabindra Nath Tagore. Not only Bengal or India but the world itself has suffered an irreparable loss by the death of this noble son of Bengal whose contribution to civilisation and the quality of whose genius had earned both for himself and his country an honoured place in the comity of nations. As a poet, he provided joy, solace and inspiration to millions and as a humanitarian he earned the love of all mankind. This House conveys its profoundest sympathy to his son Mr. Rathindra Nath Tagore and his relatives and mourns with the rest of India the loss of the Great departed."

I ask you, therefore, ladies and gentlemen, to rise in your places to signify your consent.

(The members rose in their places.)

Thank you, ladies and gentlemen.

The Secretary will take necessary steps to convey the message to proper quarters.

The House stands adjourned.

Adjournment.

Accordingly the House was adjourned at 5-31 p.m. till 4-45 p.m. on Wednesday, the 13th August, 1941, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 13th August, 1941, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 9 Hon'ble Ministers and 191 members.

Obituary Reference.

Mr. SPEAKER: Ladies and Gentlemen, before the regular proceedings commence, it is again my mournful duty to refer to the sad death of the Marquis of Willingdon which we noticed this morning in the papers. He was the Viceroy of India and the Governor of several provinces. At a time when the Indian Constitution was not what it is now, it was he who took the bold step of establishing a direct association of the Indian Ministers with the Executive Councillors. His popularity, especially in social life in the various provinces and States in India, is well known, and even after he retired, he was actively engaged in serving the cause of the Empire abroad. I hope you wish a message of condolence to be sent to Lady Willingdon, and I would ask you, Ladies and Gentlemen, to signify your approval by kindly rising in your places.

(There was a pause when the ladies and the gentlemen rose in their seats.)

Thank you, Ladies and Gentlemen. The Secretary will do the needful.

STARRED QUESTIONS

(to which oral answers were given)

Revision of Security Prisoners Rules.

***45. Mr. PRATUL CHANDRA GANGULI:** (*a*) With reference to the reply given to starred question No. 174 on the 19th March, 1941, will the Hon'ble Minister in charge of the Home Department be pleased to state whether the examination of financial implications of the Draft Revision of the Security Prisoners Rules is complete?

(*b*) If so, will the Hon'ble Minister be pleased to lay on the table a copy of the rules?

(*c*) When do the Government contemplate giving effect to the Revised Rules?

(*d*) Is the Hon'ble Minister aware—

(*i*) that the revision of the Security Prisoners Rules in redressing the grievances of the security prisoners of the Province has been long overdue; and

(*ii*) that most of the grievances of the security prisoners with regard to dietary, bedding, clothing, toilets, books and other necessities and amenities are still unredressed?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*), (*c*) and (*d*) Effect has already been given to the revised rules.

(*b*) The rules are being reprinted and a copy will be placed in the Library when they are printed.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House when the rules will be available?

The Hon'ble Khwaja Sir NAZIMUDDIN: As soon as they are printed.

Mr. CHARU CHANDRA ROY: "As soon as" is a very vague term.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have said, they are being reprinted and they will be available as soon as they are printed.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to give us the approximate time when these rules will be available—about the end of this month or by the middle of the next month?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am very sorry, I have not enquired.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to consider the desirability of publishing a draft of the rules before they are printed?

The Hon'ble Khwaja Sir NAZIMUDDIN: Practically all the rules have been published from time to time. I would request the honourable members to wait, and I think it would not take more than 15 days.

Health of Kumud Behary Mukherjee, a political convict.

*46. **Mr. JATINDRA NATH CHAKRABARTY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Kumud Behary Mukherjee, B.A., a political convict, is still in the Dum Dum Jail?

(*b*) How long has he been in the Dum Dum Jail?

(*c*) When the term of his imprisonment will expire and when he is likely to be released?

(*d*) Whether he has been suffering from the troubles of eyes and teeth?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state what arrangements have been made for his treatment?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) Since 14th April, 1938.

(*c*) His term of imprisonment was to end on 7th January, 1944; according to the latest information available he has earned 521 days' remission.

(*d*) He has no dental troubles but has complained of headache and lachrymation due to short sight.

(*e*) Arrangements have been made for the early examination of his eyes by a specialist.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if since the question has been tabled his eyes have been examined and if so, with what result?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to answer (*e*).

Mr. NISHITHA NATH KUNDU: Sir, the answer is "Arrangements have been made for the early examination of his eyes by a specialist." My question is, if his eyes have since been actually examined and, if so, with what result?

The Hon'ble Khwaja Sir NAZIMUDDIN: If he had been examined, I think I would have said so. Arrangements have been made for the early examination of his eyes by a specialist, but I have not got the latest report as yet.

Facilities to division III prisoners in regard to interviews and communications with relatives.

***47. Babu NAGENDRA NATH SEN:** (*a*) Is the Hon'ble Minister in charge of the Home (Jails) Department aware of the recent changes made by the United Provinces Government as regards facilities to division III prisoners in regard to interviews and communications between prisoners and their relatives?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is in the contemplation of Government to make similar changes with regard to division III prisoners in this Province?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I am aware of the changes mentioned as items (3) and (5) at page 28 of the Report on the Prison Administration of the United Provinces for the year 1939.

(*b*) These concessions are already enjoyed under rules 664 and 665 of the Bengal Jail Code.

Grant of family allowance to security prisoner Babu Amulya Chandra Adhikary.

***48. Babu JNANENDRA CHANDRA MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the Government have received any application from security prisoner Babu Amulya Chandra Adhikary, his mother and wife for family allowance?

(*b*) If so, what action, if any has been taken on them?

(*c*) Is the Hon'ble Minister aware that he was granted a family allowance of Rs.45 only per month last time while he was detained during the period 1930-38 under the Bengal Criminal Law Amendment Act?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons why no family allowance has been granted to him this time?

(*e*) Is the Hon'ble Minister considering the desirability of granting him a family allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*c*) Yes.

(*b*) An allowance has been granted to the family.

(*d*) and (*e*) Do not arise.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state how much allowance has been granted to the family?

The Hon'ble Khwaja Sir NAZIMUDDIN: Rs. 35 per month.

Treatment meted out to division III prisoners when on transit.

***49. Babu NAGENDRA NATH SEN:** (*a*) Is the Hon'ble Minister in charge of the Home (Jails) Department aware that division III prisoners when on transit from one jail to another are kept handcuffed and in chains throughout the entire length of the journey both day and night?

(*b*) If so will the Hon'ble Minister be pleased to state whether they are entitled to any remission of sentence or other amenities for this extra hardship caused to them and; if so, what they are?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of taking any step in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The honourable member is referred to Police Regulations, Bengal, Volume I, rules 700, 727 and 733, copy of which is laid on the Library Table.

(*b*) and (*c*) No.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state why these prisoners are not entitled to any amenity or remission of sentence even though, when on transit, they are kept in chains and handcuffed for no offence of theirs?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think the question of remission of sentence arises here.

Babu NAGENDRA NATH SEN: What are the reasons for handcuffing these prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: Just to prevent the possibility of escape.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether the Government will kindly consider the case of the political prisoners who are put in Division III in not applying the Police Regulations?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is quite difficult. Supposing they escape, what is the guarantee about it?

Discharge of Government Pleaders and Public Prosecutors after a period of three years.

50. Khan Bahadur SHAH ABDUR RAUF: Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*a*) in how many cases since 1930 the services of Government Pleaders and Public Prosecutors appointed for period of three years have been dispensed with after the period of such temporary appointment was over; and

(*b*) the reasons for such removal?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) There was no such case.

(*b*) Does not arise.

Security prisoners.

***51. Babu NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*i*) the number of security prisoners as on the 15th June, 1941;

(*ii*) how many of them are in receipt of any kind of allowances;

(*iii*) what is the—

(1) highest, and

(2) lowest,

amount of such allowances;

(*iv*) whether any applications for the grant of allowance are pending consideration of Government; if so, how many;

(*v*) whether any enquiry is made on receipt of such applications; and

(*vi*) whether the applicants or their representatives are invited or allowed to represent their cases during the enquiry?

(*b*) Is the Hon'ble Minister considering the desirability of granting allowances to the family members of the prisoners when their offences had not been proved in a court of justice?

(*c*) Will the Hon'ble Minister be pleased to state whether there are any standing rules providing the periods of detention of security prisoners?

(*d*) Will the Hon'ble Minister be pleased to state the present number of home or village interned security prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) 198.

(*ii*) In ten cases family allowances have been sanctioned.

(*iii*) (1) Rs.35.

(2) Rs.10.

(*iv*) Yes; 11.

(*v*) Yes.

(*vi*) Enquiries are made by local officers and the families or dependents of prisoners are generally questioned.

(*b*) I refer the honourable member to the answer to starred questions Nos. 80 and 83 on the 6th March, 1941.

(*c*) The honourable member is referred to rule 26 of the Defence of India Rules.

(*d*) No security prisoner is home or village interned. Up to the 15th June, 1941, action had been taken under rule 26 (1) (*c*) to (*g*) of the Defence of India Rules against 937 persons but the figures of those restricted to their homes or villages by orders under rule 26 (1) (*d*) are not readily available.

Mr. SURENDRA NATH BISWAS: With reference to answer (*a*) (*vi*), will the Hon'ble Minister be pleased to state whether he has considered the desirability of making this enquiry through the District Magistrates or the Subdivisional Magistrates or any other magistrates?

The Hon'ble Khwaja Sir NAZIMUDDIN: As a rule the District Magistrates are asked to make enquiry, but they employ the police as agency for making the enquiries and submit their report. There is nothing to prevent anybody about whom enquiry is made to make his statement to the District Magistrate.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government is prepared to issue instructions to the district or subdivisional authorities to enquire into the case if the party aggrieved applies to such authorities for that purpose?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have stated, the aggrieved party can always place his facts before the District

Magistrate, and if there is any case where the District Magistrate has not forwarded or taken notice of them, then I will certainly think that he has enquired.

Political prisoner Babu Ramesh Chandra Chatterjee.

*52. **Mr. SURENDRA NATH BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that Babu Ramesh Chandra Chatterjee, a political prisoner now lodged in the Dum Dum Central Jail, refused to accept conditional release in 1939;

(*ii*) that in 1939 the Government decided to treat the term of imprisonment of some long-term prisoners including the said Ramesh Chandra Chatterjee as the period of fourteen years; and

(*iii*) that in the case of the said Ramesh Chandra Chatterjee the said period of fourteen years being reduced by usual remission expired by the middle of January, 1941?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the said Ramesh Chandra has since been released?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reason thereof?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*iii*) Yes.

(*ii*) The honourable member is referred to the communique, dated the 17th October, 1939, of which a copy is laid on the Library Table.

(*b*) No.

(*c*) Government are awaiting the submission of his case for their consideration.

Mr. SURENDRA NATH BISWAS: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether, in view of the fact that about more than 7 months have passed since the time when that period of 14 years expired in the case of this political prisoner, he will consider the desirability of taking the initiative to ask for the file from his department and deal with the case?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already stated the case is coming up to Government.

Mr. SURENDRA NATH BISWAS: I am drawing the attention of the Hon'ble Minister to the fact that 7 months have passed since the time expired.

The Hon'ble Khwaja Sir NAZIMUDDIN: There was a certain amount of discussion as to whether he was entitled according to the existing rules to a certain amount of remission for the period that he remained in the Andamans. I am speaking from memory. Those who were in the Andamans got less remission than those who were in Bengal and Government decided in July that he should get the same remission which he would have got if he had been in Bengal. So, that question having been decided, the other question will come up before the Government.

Mr. NISHITHA NATH KUNDU: In his reply to question (*a*) (*iii*), the Hon'ble Minister has admitted that in the case of the said Ramesh Chandra Chatterjee the said period of fourteen years being reduced by usual remission expired by the middle of January, 1941. So, it is admitted by the Hon'ble Minister that his term expired by the middle of January, 1941. Now, if his answer is correct, will the Hon'ble Minister be pleased to state if it is permissible for Government to detain a person whose term has already expired?

The Hon'ble Khwaja Sir NAZIMUDDIN: I may explain that in all such cases release under 14 years' rule is not obligatory nor invariable and each case is considered on its merits.

Rai HARENDRA NATH CHAUDHURI: Why was not the question considered before the term expired?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated that there was a dispute whether his term has actually expired or not because remissions earned in the Andamans were less than remissions earned in Bengal. In his case it has been decided that he should get the same remission and according to that his term has expired in January and that point was decided in July.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Under-trial prisoners in certain jails.

47. Mr. SYED JALALUDDIN HASHEMY: (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to lay on the table a statement showing for the years 1938, 1939 and 1940—

(*i*) the average period of detention of under-trial prisoners in sessions and other cases separately in the following jails:—

Midnapore District and Central,

Alipore District and Central,

Hooghly,

Rajshahi District and Central,

Dacca District and Central,

Mymensingh, and

Comilla;

(*ii*) the maximum number of under-trial prisoners detained during any day in the Alipore Central Jail during the months of January, February, March, April and May, 1941, compared to the total number of prisoners detained on such days;

(*iii*) the maximum period of detention of any under-trial prisoner in the Alipore Central Jail, during the year 1940-41; and

(*iv*) the total number of prisoners who were detained as under-trials for more than three months in the Alipore Central Jail during 1940-41?

(*b*) Is the Hon'ble Minister considering the desirability of investigating into the overcrowding and long detention of under-trial prisoners in the Alipore Central Jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*ii*) A statement is laid on the Library Table.

(*iii*) Ten months and 27 days.

(*iv*) 88.

(*b*) Remedial measures are under my consideration.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*b*), will the Hon'ble Minister be pleased to tell us what are the remedial measures which are under the consideration of the Hon'ble Minister?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to tell us the reasons why these under-trial prisoners were detained in jail for such a length of time as ten months and 27 days?

The Hon'ble Khwaja Sir NAZIMUDDIN: The thing is that there is always overcrowding in jail and Government have stressed that fact, but the question is that it takes certain amount of time before the cases are disposed of. It is unavoidable but we have very much reduced the thing.

Mr. SYED JALALUDDIN HASHEMY: Does it not reflect on the efficiency of the investigating police officers?

Mr. SPEAKER: That is not a question.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to consider the desirability of expediting the consideration of remedial measures?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as I have stated some of these are unavoidable and if the honourable member will study the statement which has been laid on the Library table he will find that in majority of cases there is a certain amount of decrease.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether in view of his previous suplementary answer Government is contemplating the desirability of giving greater facilities for bail to the under-trial prisoners so that they may not be held up in jail custody during the trial?

Mr. SPEAKER: As a lawyer you know the question of bail has nothing to do with the Government in the executive department.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government has been considering any measures whereby under-trial prisoners may not have to be kept in jail for such a long period?

Mr. SPEAKER: He has said that remedial measures are under consideration.

The Hon'ble Khwaja Sir NAZIMUDDIN: I must explain to be absolutely clear that as far as remedial measures are concerned they refer to overcrowding. As far as the question of long detention is concerned, as I have stated, that is a very difficult problem. It is a question of the number of judges who can try cases and various other factors. We are also looking into them.

Mr. SASANKA SEKHAR SANYAL: Sir, with regard to the question which was put by Mr. Dutta Mazumdar you have ruled that Government have nothing to do with it. It can just be put in another way, namely, when there is a delay in the investigation of cases, will the Hon'ble Minister be pleased to state——

Mr. SPEAKER: It has nothing to do with the investigation.

Mr. SASANKA SEKHAR SANYAL: With regard to bail it is not the discretion of trial courts always. Government oppose bails.

Mr. SPEAKER: As a matter of fact there has not been a single supplementary question as regards the investigation stage.

Mr. SASANKA SEKHAR SANYAL: The question which was put by Mr. Dutta Mazumdar can be put in a different way. It is not always the discretion of the court. In many cases Government oppose the bail. In view of the fact that there is considerable delay in some cases in the matter of investigation whether it is desirable or not that Government should instruct Public Prosecutors including the Court Inspectors not to oppose bails.

(No reply.)

Granting of certain facilities to unemployed youths.

48. Maulana MD. MANIRUZZAMAN ISLAMABADI: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the Government contemplate—

(*a*) the settlement of Government (1) *khas* lands and (2) fallow lands at concession rates to the unemployed youths for making dairy farms, gardens and for other cultivation purposes; and

(*b*) also giving them agricultural loans?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) No such proposal is in contemplation of Government in the Revenue Department.

(*b*) Agricultural Loans may be given to unemployed youths under the Bengal Agricultural Loans Act or the Land Improvement Loans Act when they satisfy the conditions laid down in those Acts and in the rules framed under the Acts.

Release of certain political prisoners.

49. Mr. SATYAPRIYA BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether it is a fact that a number of political prisoners, called terrorist prisoners, in the Alipore Central Jail had, during the early part of April, 1941, accepted Government conditions in the order for their release; and

(*ii*) whether all such prisoners have been released from the jail in accordance with the Government orders respecting them?

(*b*) If any of them has not been released, will the Hon'ble Minister be pleased to state the reason therefor?

(*c*) Will the Hon'ble Minister be pleased to state when will these prisoners be released from jail?

(*d*) Do the Government contemplate revision of the declared policy of releasing the political prisoners gradually on the recommendation of the Advisory Committee?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) No.

(*b*) to (*d*) The honourable member is referred to Government Resolution No. 2484H.J., dated the 26th July, 1941, a copy of which is laid on the Library Table, and to my statement in reply to the adjournment motion in this House on the 1st August, 1941.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the exact date when those political prisoners accepted the conditions of the Government for their release?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please explain how a resolution, dated the 26th July, could do away with the rights of the political prisoners who accepted the conditions in the early part of April?

Mr. SPEAKER: I think this question was the subject-matter of an adjournment motion.

Mr. ATUL KRISHNA GHOSE: Sir, I would draw your attention the fact that the Hon'ble Minister admits that because of the resolution of the 26th July the political prisoners were debarred from being released, but they accepted Government conditions in the early part of April.* How is this anomaly to be solved?

Mr. SPEAKER: I always thought you should have taken up the profession of law!

Mr. ATUL KRISHNA GHOSE: I am not a lawyer, Sir.

Mr. SPEAKER: What a pity!

Mr. ATUL KRISHNA GHOSE: How the Government justify their position that by passing a resolution on the 26th July they debar the political prisoners from being released from jail when particularly they accepted the conditions of Government in the early part of April?

Economic distress in Mymensingh.

50. Mr. MD. ISRAIL: (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware that an unprecedented economic crisis prevails in the district of Mymensingh, particularly in the subdivision of Kishoreganj, due to failure of crops and agricultural loan, test relief and gratuitous relief are being distributed therein?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of—

(*i*) issuing instructions to Debt Settlement Boards (1) ordinary and (2) special, to grant time for payment of court-fees on determined debts till the next harvest time; and

(*ii*) directing the Certificate Officer to grant time to the certificate debtors relating to the default of the awarded debts to the next harvest time?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) Some economic difficulty has been reported from the area and necessary relief measures have been adopted.

(*b*) Under the rules the Certificate Officer has power to grant time up to the next harvest wherever necessary. The special attention of the Certificate Officers in question has been drawn to these provisions in the rules.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what is the nature of the economic difficulty that has been reported from the area?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the honourable member to the question itself which speaks of these difficulties, viz., failure of crops.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to the report mentioned in answer (*a*), will the Hon'ble Minister be pleased to state whether any particulars about the difficulty are contained in that report?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: We had only the report from the Collector to show that that was the nature of the difficulties that he was experiencing. If the honourable member wants details, he will have to go to the Revenue Department.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether he will be prepared to make a copy of the report available for members of this House?

Mr. SPEAKER: Please understand that the first part of the question is absolutely irrelevant, and is put only with a view to make the second part relevant. Therefore the Hon'ble Minister is not responsible for dealing with questions relating to nature of crisis, etc., either here or there.

Mr. NIHARENDU DUTTA MAZUMDAR: The Hon'ble Minister might have answered question (*a*) either in the affirmative or in the negative.

Mr. SPEAKER: He has practically answered all the points.

Mr. NIHARENDU DUTTA MAZUMDAR: In fact he has informed us in his answer that he has actually received some official report——

Mr. SPEAKER: He has taken steps.

Mr. NIHARENDU DUTTA MAZUMDAR: Arising out of that, Sir, I want to know what are the particulars contained in that report about the nature of the distress?

Mr. SPEAKER: You will get an answer to that question from the Revenue Department.

STARRED QUESTIONS

(to which oral answers were given)

Family allowance for security prisoners.

***42. Mr. PRATUL CHANDRA GANGULI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the number of persons dealt with under the Defence of India Rules in Bengal up till now as—

(1) security prisoners,

(2) prisoners under rule 129 of the Defence of India Rules,

(3) externed,

(4) interned, and

(5) persons whose movements have been restricted in various ways; and

(*ii*) the number of the abovementioned persons who are getting family allowance?

(*b*) Is it a fact that a large number of security prisoners who were granted family allowance during their previous detention, are not given anything this time?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason therefor?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) To the end of June—

(1) 222.

(2) 281.

(3), (4) and (5) 1,214.

(*ii*) 9.

(*b*) Yes.

(*c*) The present circumstances are quite different from those under which they were detained under the Bengal Criminal Law Amendment Act, 1930.

Mr. SURENDRA NATH BISWAS: With reference to question (*a*) (*ii*), will the Hon'ble Minister be pleased to state how many applications were received by the Hon'ble Minister with regard to family allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

(The next question was called, but several honourable members rose to put more supplementaries on the previous question.)

Mr. SPEAKER: The real question has been asked by Mr. Biswas. Whenever a specific question has been asked about the allowance of any individual political prisoner, I have allowed that question in every case. Mr. Biswas asked a general question and I have admitted it and now questions relating to total number, amount and so on are sought to be put. Therefore I am not going to allow any more supplementary questions on the same subject.

Mr. SASANKA SEKHAR SANYAL: I am referring to answer (*c*)——

Mr. SPEAKER: If honourable members insist in this way, then in future I will have to restrict the number of supplementaries in such cases to only two or three. You cannot possibly ask for information on statistical matters first and then go into the question of policy.

Mr. SASANKA SEKHAR SANYAL: I do not understand, Sir, why you are feeling annoyed with this question.

Mr. SPEAKER: If I had been annoyed I would have disallowed all these individual questions. I think this supplementary question does not arise.

Mr. SASANKA SEKHAR SANYAL: With reference to answer (*c*), the Hon'ble Minister has stated that the present circumstances are different from those of the earlier days. We want to know——

Mr. SPEAKER: I am sorry, this question about the number does not arise. You say that a large number of security prisoners are not getting allowance. You never ask any question as to how many of them are not getting allowance. Unless you ask that question, the question of number does not arise.

Mr. SASANKA SEKHAR SANYAL: We are putting a supplementary question on (*c*). Will the Hon'ble Minister be pleased to state what is the difference in the circumstances referred to in (*c*)?

Mr. SPEAKER: I am doubtful whether this question does arise. However, I am allowing this question as a special case, but if there be persistent supplementary questions like this, then we cannot carry on the proceedings of this House. In Parliament hardly more than two or three supplementary questions are allowed. This is in the nature of cross-examination. Government say that the circumstances are different. If you ask how the circumstances are different, how can Government answer that question?

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, I quite appreciate your anxiety to see that questions are not carried to the extent of cross-examination. But you will also be pleased to consider that the question cannot be replaced by any other form and, Sir, it is not merely a valuable right, but it is an exclusive right.

Mr. SPEAKER: I am not disallowing your question. Let the Hon'ble Minister answer.

Mr. NISHITHA NATH KUNDU: In Parliament probably supplementaries are not confined to only two or three questions.

Mr. SPEAKER: I think Mr. Kundu will do well if he reads Hansard.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have answered this question and explained the policy of Government more than once in this House, but unfortunately I do not remember to which question I could easily refer. The present policy of Government is that only in those cases where the Government are satisfied that the prisoner has got no means to maintain himself or his relations are unable to give him anything, they are prepared to give a family allowance.

Mr. SASANKA SEKHAR SANYAL: That is not my question. That we have got previously. I am not going to bore the Hon'ble Minister with a previous question. Here there is a difference of circumstances mentioned. My question is not about the policy of Government, but what is the difference in the circumstances which have led Government to make that distinction in their policy.

The Hon'ble Khwaja Sir NAZIMUDDIN: One thing is that there is a war on.

Mr. SASANKA SEKHAR SANYAL: Is that the only difference?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is one of the differences.

Mr. SASANKA SEKHAR SANYAL: What are the others?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Enrolment Register in respect of wakfs.

*43. **Khan Bahadur Maulvi JALALUDDIN AHMAD:** (*a*) Will the Hon'ble Minister in charge of the Education (Wakf) Department be pleased to state whether there is any register for the enrolment of Wakf Estates?

(*b*) Will the Hon'ble Minister be pleased to state whether he is aware of cases where—

(1) several enrolments have been made of one Wakf; and

(2) two rival *mutawallis* have been appointed for the same Wakf property?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, he proposes to take in the matter?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes, there is a register.

(*b*) (1) I am informed by the Commissioner of Wakfs, Bengal, that there have been duplications in a very few cases.

(2) I am also informed by him that in no case two rival persons have been appointed *mutawallis* for the same Wakf.

(*c*) It is not for Government to take action in such matters: I understand improvements are made from time to time in indexing as suggested by experience.

Ex-detenus of Faridpur district.

*44. **Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware that several ex-detenus of the district of Faridpur have been arrested and detained under the Defence of India Rule No. 26 during the period from 1st January to 1st June, 1941?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the reason of those arrests and detentions;

(*ii*) whether the Government verified the police reports upon which those arrests were made;

(*iii*) whether he has considered the desirability of getting the police reports in such cases verified by the district authorities and of giving a chance to the persons so arrested to prove their innocence before such authorities before they are arrested or detained; and

(*iv*) whether the Government have received petitions from the relatives of some of the said detenus stating that the latter had done nothing for which they should have been arrested or detained?

(*c*) If the answer to clause (*b*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, the Government have taken upon those petitions?

The Hon'ble Khwaja Sir NAZIMUDDIN: I must ask the honourable member to specify by name the individuals regarding whom he desires to elicit information.

Mr. SURENDRA NATH BISWAS: Sir, will you kindly look at the answer? My questions (*b*) (*i*), (*ii*) and (*iii*) are general. The Hon'ble Minister's reply might apply to (*b*) (*iv*). But he cannot avoid answering the questions under (*b*) (*i*), (*ii*) and (*iii*). With regard to (*b*) (*i*) also, he might say that it is according to Government policy, but with regard to (*b*) (*ii*) and (*iii*), I think I have a right to get the information from the Hon'ble Minister.

Mr. SPEAKER: I cannot argue.

Mr. SURENDRA NATH BISWAS: Sir, I may with your permission——

Mr. SPEAKER: According to well-known Parliamentary practice the Speaker has no power to give relief as regards the manner in which an answer is couched.

Mr. SASANKA SEKHAR SANYAL: We want your protection, Sir. We want to place one general grievance with regard to questions. In respect of certain vital questions, answers have been given in a very unsatisfactory way and we appeal to you, Sir, to return those answers and ask the Government to send them in proper form. Otherwise we are helpless. It is a question of privilege, Sir.

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit that from the way in which the question has been framed it is an abuse of the privilege of asking questions. I have nowhere refused to give information. But I say that if specific cases are brought to my notice and questions asked about them, I am prepared to give all the information that I have in my possession.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. Is it open to Hon'ble Minister to say that it is an abuse of the privilege of asking questions?

Mr. SPEAKER: That is his view. I cannot help it.

Rai HARENDRA NATH CHAUDHURI: Will that expression be Parliamentary?

Mr. SASANKA SEKHAR SANYAL: If you give us permission we can help you and also the Opposition. We won't allow the Government to carry on in this way disregarding vital questions and giving answers in a merry mood.

Mr. SPEAKER: Probably Sir Nazimuddin could have better couched his language. Once a question is admitted it cannot be said that it is a question of abuse of privilege.

The Hon'ble Khwaja Sir NAZIMUDDIN: I think the question might be admissible. But abuse does not mean that it was inadmissible.

Mr. SPEAKER: I thought so.

The Hon'ble Khwaja Sir NAZIMUDDIN: Abuse means taking advantage of the rules to put questions which are not really justified.

Rai HARENDRA NATH CHAUDHURI: That is the Parliamentary meaning of the word abuse. The rules give you permission to disallow questions but he has no right to take that line of argument.

Mr. SPEAKER: He has explained that he did not mean that the question was not admissible. He meant that this was a question which it was not possible for Government to answer.

Mr. SASANKA SEKHAR SANYAL: He cannot understand the language of the question——

Mr. SPEAKER: Order. order.

Mr. SURENDRA NATH BISWAS: With regard to answer (*b*) (*ii*), will the Hon'ble Minister be pleased to state whether Government thought it desirable, in order to satisfy itself, to verify the police reports on which the orders of detention were passed?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as that is concerned, I have not specifically done so, but all cases are practically looked into before final orders are passed.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government considered any other reports except the police reports before passing the orders of detention on these persons under the Defence of India Rules?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not understand what the honourable member means by any other reports. Naturally Government has got to go on the basis of police reports.

Mr. SURENDRA NATH BISWAS: My point is this that the law says that Government ought to satisfy itself in respect of those persons who have been detained. I want to know from the Hon'ble Minister how did the Government satisfy itself except acting upon police reports?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is obvious what kind of reports they were. Only if these reports were of such a character which would justify taking action, action would be taken.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he has received any applications stating that these persons were absolutely innocent and that the police reports might be verified by the District Magistrates or Circle Officers?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already stated as far as the question of taking action is concerned, action is not taken on any individual Police Officer's report. When Government are satisfied from information received from various sources that the activities of a person are objectionable, then and then only action is taken.

Mr. SARAT CHANDRA BOSE: Has the Hon'ble Minister ever exercised the right of cross-examining persons who give such information?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what are the other sources than police reports to which he has just now referred?

The Hon'ble Khwaja Sir NAZIMUDDIN: I did not say other sources. I said various sources.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state what steps the Government take to verify the allegations made in police reports?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have stated the system is so based that it is not possible as a rule, unless there are exceptional cases, for mistakes to be made in these matters and so far as I know I have not come across any flagrant mistake in such cases.

Mr. SARAT CHANDRA BOSE: Does the Hon'ble Minister know the names of his informants?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government will consider the desirability of getting these police reports verified by the District Magistrates or Circle Officers in respect of those cases in which such applications have been received?

The Hon'ble Khwaja Sir NAZIMUDDIN: There are certain persons who are detained on the reports received from District Magistrates and Circle Officers because of their activities. There are certain people who are detained on secret reports and naturally people who are detained on the basis of secret reports cannot have their cases verified by the District Magistrate.

Mr. SARAT CHANDRA BOSE: Does the Hon'ble Minister know the position and character of these secret informants?

The Hon'ble Khwaja Sir NAZIMUDDIN: If it was an individual case of a secret informer, then perhaps the criticism will be correct. But as I have stated the system is such that unless reports come from different sources, from people who are unknown to one another, action is not taken. Action is never taken on the report of an individual informant and until the officers are satisfied, and Government are satisfied that there is a genuine case from vairous circumstances and reports, no action is ever taken.

Mr. SARAT CHANDRA BOSE: May I ask the Hon'ble Minister to answer my question and not abuse the opportunity of answering questions?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have categorically answered the honourable member's question.

Mr. SARAT CHANDRA BOSE: Has he answered? My question was: Does the Hon'ble Minister know the character and position of any of his secret informants?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know the name of any secret informant.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Maintenance of persons restrained under Defence of India Rules.

44. Mr. PRATUL CHANDRA GANGULY: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the Government have made any provision for the maintenance of the persons externed, interned or persons whose movements have been restricted in various ways under the Defence of India Rules and for their families?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

(*c*) Is it a fact that in former regime the persons interned or externed were given personal maintenance allowance and in many cases family allowance?

(*d*) If so, do the present Government contemplate following the same policy?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) I refer the honourable member to the policy stated in this House in a reply to supplementary questions arising out of my answer to starred question No. 308 on the 19th September, 1940. In accordance with that policy

family allowances have been made in the case of seven security prisoners and personal allowances in the case of two persons otherwise restricted.

(*c*) Yes.

(*d*) No.

(*e*) The present circumstances are entirely different from those quoted.

Political prisoners in Jessore District Jail.

45. Mr. SURENDRA NATH BISWAS: (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether it is a fact—

(*i*) that about 60 political prisoners are now lodged in the Jessore District Jail;

(*ii*) that about fifty per cent. of those prisoners have been suffering from malarial fever and that some of the malaria cases have become very serious;

(*iii*) that in spite of repeated complaints by those prisoners the Jail authorities have not arranged for their proper medical treatment;

(*iv*) that the Jail hospital is damp;

(*v*) that there is only one tank for storing good water for the general file prisoners;

(*vi*) that at times supply of water in that tank falls short of the demand and the prisoners of the general file have had to take their meal and to drink water in the hospital yard at the risk of their health;

(*vii*) that the *dal* supplied to the division III prisoners is generally old, dirty and rotten, and the vegetables supplied to them are insufficient and at times unfit for human consumption; and

(*viii*) that the political prisoners are subjected to unnecessarily harsh treatment?

(*b*) Is the Hon'ble Minister considering the desirability of enquiring into the above allegations and taking any step in respect thereof?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) There are 60 prisoners under the Defence of India Rules including 4 undertrials.

(*ii*) No. Fifteen prisoners suffered from malarial fever after admission but have not been again attacked. At present no prisoner is ill in hospital.

(*iii*), (*iv*), (*vi*), (*vii*) and (*viii*) No.

(*v*) Yes. But this is quite sufficient.

(*b*) Does not arise.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that H. K. Das is suffering from eye disease and pyorrhoea?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: There are 60 political prisoners——

Mr. SPEAKER: I know. In a case like this, you should put a separate question. There is no mention of any name here.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether there are any prisoners in Jessore Jail suffering from pyorrhoea and eye diseases?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether there are any prisoners in Jessore Jail who are suffering from gastric ulcer?

The Hon'ble Khwaja Sir NAZIMUDDIN: These are specific questions from a general question. Therefore, I cannot but ask for notice.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that a non-official Jail Visitor in his report particularly mentioned the name of H. K. Das who was suffering from pyorrhoea and eye disease and Samanindra Nath Roy who was suffering from gastric ulcer and the same non-official Jail Visitor recommended the transfer of these persons to some other healthy station?

Mr. SPEAKER: I am afraid that is a separate question.

Mr. SURENDRA NATH BISWAS: With regard to (*a*) (*ii*), will the Hon'ble Minister be pleased to state whether he means to convey that none of these 60 prisoners are now suffering from malaria and that everybody is healthy?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to the last sentence in answer (*a*) (*ii*).

Mr. SURENDRA NATH BISWAS: The Hon'ble Minister says, "At present no prisoner is ill in hospital". Does he mean that there may be prisoners who are ill outside the hospital in wards?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the prisoners are ill, they go to hospital.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that it is a grievance of prisoners that they are not taken to hospitals until after a long time of their illness, and that in the meantime they suffer from various diseases in their respective wards?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, this supplementary question does not arise out of the main question.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that only those prisoners who require constant nursing are removed to hospitals; and that, otherwise, they are kept in jails, although ill and suffering from very many diseases?

The Hon'ble Khwaja Sir NAZIMUDDIN: It all depends on the nature of the disease.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to consider the desirability of transferring those prisoners who are suffering from various diseases to hospitals?

The Hon'ble Khwaja Sir NAZIMUDDIN: I will look into this question, but from what reports I have received there appears to be no justification for such action being taken.

Mr. NISITHA NATH KUNDU: With reference to question (*a*) (*v*), will the Hon'ble Minister kindly tell us what is the capacity of that tank?

Mr. SPEAKER: That question does not arise.

Mr. NISITHA NATH KUNDU: Sir, it does. My point is——

Mr. SPEAKER: My decision is that it does not. I cannot allow it.

Mr. NISITHA NATH KUNDU: May I make a submission, Sir——

Mr. SASANKA SEKHAR SANYAL: Is it not open to a member of this House, Sir, to press his point in that case?

Mr. SPEAKER: When I have taken a definite decision, he cannot do so without my previous permission.

Mr. NISITHA NATH KUNDU: I submit, Sir, it would be doing me a grave injustice if I am disallowed to make my submission.

Mr. SPEAKER: But you ought to have raised a point of order. Instead of doing that you simply insisted on putting that very supplementary question which I had ruled as being out of order. I think the House is aware that there are certain conventions under which its debate is conducted and under which supplementary questions will have to be put. Where will be the limit to putting supplementary questions if questions are asked as to the capacity, the size and the shape of the tank, and things like that? It was from that consideration that I have decided—it may be that my decision is right or it may be that it is wrong—that it was not in order. If it was your intention to make any statement on my ruling, you ought to have risen on a point of order, but instead of doing so, you simply argued with me that the supplementary question did arise. I would be very patient to hear anybody who would point out to me any matter concerning any of my rulings, but no one can say or take up the attitude that "the question does arise" in spite of my decision to the contrary.

Mr. SASANKA SEKHAR SANYAL: I submit, Sir, let there be no bitterness or misunderstanding at least between the Speaker and an ordinary member. We are anxious to put supplementary questions, although, sometimes, the framing of questions may be such that it is not in order. But you know, Sir, just as there are limits to putting questions, there are limitations as well of members in framing questions, and unless you give some latitude to them to recast their questions in case they are not in order in the first instance, I submit it will only curtail the privilege of the members in putting supplementary questions.

Mr. SPEAKER: I am quite prepared to help anybody in that matter, but I cannot allow a member to go on insisting that a thing was in order where I had given my decision to the contrary.

Mr. SASANKA SEKHAR SANYAL: So far as Mr. Nisitha Nath Kundu is concerned, I think he never makes any abuse either of his temper or of words——

Mr. SPEAKER: So far as I am concerned, I think, no member does that (laughter).

Mr. NISITHA NATH KUNDU: Sir, the original question was—"whether it is a fact that there is only one tank for storing good water for the general file prisoners", and to that the reply was—"Yes. But that is quite sufficient". Now, my point is whether there are facts to substantiate this reply. Therefore, I was going to ask, what is the capacity of the jail, and what is the capacity of the tank?

Mr. SPEAKER: I cannot understand how your point will be met simply by ascertaining what the capacity of the tank is.

Mr. SURENDRA NATH BISWAS: Sir, I beg to submit one word in connection with this question. Mr. Kundu wants it to be made clear as to whether the supply of water contained in that tank falls short of the actual demand, and, if so, whether the general file prisoners have had to take their supply from the hospital at the risk of their breaking the jail discipline. Therefore, I submit, my friend, Mr. Kundu was quite pertinent in asking that question.

Mr. SPEAKER: I am quite at a loss to understand how you can make the capacity of the tank as the sole factor to determine the quantity of water that is actually supplied. You have got to know as well whether water is supplied on a single shift or a double shift basis or more and you have got to take into account other factors also to determine the actual quantity of water-supply.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he considers the desirability of investigating into all the grievances of the prisoners now lodged in Jessore Jail as alleged in the question at least through a non-official jail visitor?

The Hon'ble Khwaja Sir NAZIMUDDIN: My answer to this question is that if any non-official jail visitor had made any complaint, that would certainly have come to our notice.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it is a fact that the answers he has given are those furnished by the jail authorities against whom the complaints had been made?

Mr. SPEAKER: Why can't you be a bit more specific, Mr. Biswas? Your point is that the grievances should be enquired into by the jail visitors, and the Hon'ble Minister says that if there were complaints, notice must have been taken of them. Now, whether such complaints have or have not been noticed is not the point. The point is whether there were any specific complaints and it is on such complaints that you can put supplementary questions.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to questions (*a*) (*v*) and (*a*) (*vi*), will the Hon'ble Minister be pleased to state if Government has made any investigations to ascertain whether the supply of water is actually sufficient inside the jail in view of the complaint that has been made about its insufficiency?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government are satisfied that the supply of water is sufficient.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government made enquiries of the prisoners who made the complaint of insufficiency of water-supply in the jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state through what means Government had become satisfied about the sufficiency of water-supply in spite of the complaint made?

The Hon'ble Khwaja Sir NAZIMUDDIN: The usual channel.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state, in view of the serious complaint about the insufficiency of water-supply inside the jail, what special care did Government take to satisfy itself that the usual channel supplied correct and accurate information on the point?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, unless definite and specific facts are given, Government must assume that their officers gave them correct report; otherwise, administration would be impossible.

Mr. ATUL KRISHNA GHOSE: May I point out to you, Sir, in this connection, the question of Mr. Surendra Nath Biswas for an investigation being made into the complaints of the prisoners through a non-official jail visitor? May I also draw the attention of the Hon'ble Minitser to the fact that those complaints had been recorded in the jail visitors' book?

Mr. SPEAKER: I take it that your question is—Is the Government aware that most of these complaints have been noted by the non-official jail visitors in the jail visitors' book?

Mr. ATUL KRISHNA GHOSE: Yes, Sir.

The Hon'ble Khwaja Sir NAZIMUDDIN: If that happens to be the fact, Government are prepared to enquire into the whole matter.

Free use of arms for Bengalees for protection.

46. Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister in charge of the Home Department considering the desirability of allowing the Bengalees freer use of arms for the purpose of self-protection from internal and external violence?

The Hon'ble Khwaja Sir NAZIMUDDIN: The answer is in the negative.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister give us some idea of the reasons for his answser in the negative?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as the policy is concerned, it is really determined by the Central Government and not by us. We are only agents for carrying it out.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether, in view of the apprehension of internal troubles, Government are prepared to modify and extend freer use of arms?

Mr. SPEAKER: He has said already that it is a matter of the Central Government.

Mr. SYED JALALUDDIN HASHEMY: No, Sir, there is the Bengal Arms Act as well.

Mr. SPEAKER: That does not provide for free licence.

STARRED QUESTIONS

(to which oral answers were given)

Special Officers to the Government of Bengal.

***29. Mr. M. MOSLEM ALI MOLLAH:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state the existing strength of "Special Officers" to the Government of Bengal (excluding the Debt Settlement Officers who commonly go by the name of Special Officers)?

(b) Will the Hon'ble Minister be pleased to lay on the Table a statement showing the names of—

(i) such officers;

(ii) the posts, if any, they substantively hold under Government; and

(iii) the work they have been each entrusted with?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) Twenty.

(b) A statement is laid on the Library Table.

Recommendations of Special Officer regarding grievances of inferior Government servants.

*40. **Mr. ABDUL HAMID SHAH:** (a) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is a fact that a Special Officer was appointed to enquire into the grievances of the inferior employees under the Government during the year 1940?

(b) If so, will the Hon'ble Minister be pleased to state the recommendations made by this officer?

(c) Is the Hon'ble Minister considering the desirability of translating the recommendations into action?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Yes.

(b) and (c) The honourable member is referred to the replies given to unstarred questions Nos. 27 and 28 in this session.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Pay and prospects of inferior Government servants.

27. **Mr. AHMED HOSAIN:** (a) With reference to the reply given to unstarred question No. 9 of the 3rd February last, will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(i) whether the report of the Special Officer has as yet been published; and

(ii) if so, whether the members of this House have been supplied with copies thereof?

(b) If the answer to (a) (i) is in the negative, will the Hon'ble Minister be pleased to state when the report is likely to be published?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) No.

(*ii*) Does not arise.

(*b*) It is not proposed to publish the report of the Special Officer.

28. Mr. ABDUL KARIM: (*a*) With reference to the reply given to unstarred question No. 9 of the 3rd February, 1941, will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) whether the Government has yet come to a final decision in the matter; and

(*ii*) if so, what are their decisions?

(*b*) If the answer to clause (*i*) is in the negative, will the Hon'ble Minister be pleased to state when the Government expect to come to a final decision in the matter?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) The matter is under consideration of Government.

(*ii*) Does not arise.

(*b*) Without undue delay.

Import of Burma rice into India.

39. Maulana MD. MANIRUZZAMAN ISLAMABADI: (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(*i*) that the Burma Government have prohibited the export of paddies and rice to India from Arakan (Burma);

(*ii*) that the import of Burma rice to the ports of Calcutta and Chittagong has by this time been stopped;

(*iii*) that the price of Burma rice has gone up; and

(*iv*) that there has been scarcity of rice in the Indian market?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of approaching the Government of India for taking steps for removing the ban of exporting Burma rice to India?

(*c*) If the answer to (*a*) is in the negative, is the Hon'ble Minister considering the desirability of holding an enquiry into the matter?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT: (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) The Government of Burma on 4th July, 1941, placed an embargo on the export of rice from Arakan on account of local shortage.

(*ii*) Import of Burma rice was stopped only from Akyab; import from Rangoon was not affected.

(*iii*) No.

(*iv*) No, stocks of rice in Calcutta market alone amount to 10 lakh maunds.

(*b*) The Government of India, as well as the Government of Burma and the Government of India Agent in Burma were at once apprised of the situation.

I am glad to be able to say that in pursuance of our representation, the Government of Burma lifted the embargo on rice with effect from the 25th July, 1941.

(*c*) Does not arise.

Enquiry regarding consent to special motion.

Mr. SYED JALALUDDIN HASHEMY: Sir, may I enquire whether the Hon'ble Chief Minister has given me permission to move my special motion?

Mr. SPEAKER: I have not seen the file but I am told that some reply has come.

Mr. SYED JALALUDDIN HASHEMY: Sir, may I just enquire, in the absence of the Hon'ble Chief Minister's refusal or giving consent —there is no such specific rule—whether I should approach the Hon'ble Chief Minister or the Assembly Department——

Mr. SPEAKER: We have already approached.

Mr. SYED JALALUDDIN HASHEMY: Sir, may I know if I may get the permission next week.

Mr. SPEAKER: Yes, if at all.

GOVERNMENT BILL.

The Bengal Raw Jute Taxation Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to present the Report of the Select Committee on the Bengal Raw Jute Taxation Bill, 1941.

Message from the Bengal Legislative Council.

The Secretary then read out the following message:—

"That the Bengal Agricultural Debtors (Second Amendment) Bill, 1940, was passed by the Bengal Legislative Council with amendments at its meeting held on the 5th August, 1941, and that the concurrence of the Assembly be asked to the amendments made in the Bill by the Council."

The Bengal Markets Regulation Bill, 1941.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that the Bengal Markets Regulation Bill, 1941, as reported by the Select Committee, be taken into consideration.

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to move, by way of amendment, that the Bill be recommitted to the same Select Committee.

Mr. Speaker, it does not mean that we have got recommittal-phobia and it is not also a fact that we always intend to embarrass the Government by giving motions of recommittal. Sir, the fact is that the intention of these sorts of motions is to oppose the Bill in an indirect form. This particular Bill, I mean the Bengal Markets Regulation Bill, 1941, is no substitute at all for the previous Bill, I mean the Agricultural Produce Markets Bill. This Bill is so innocent and so colourless that Government ought not to have brought this Bill before the House——

Mr. SPEAKER: You want a little more colour into this transaction? (Laughter.)

Mr. SYED JALALUDDIN HASHEMY: It neither benefits the zemindars nor the agriculturists. We do not know for what purpose Government have introduced this Bill. By no section of the Bill the agriculturists of Bengal are benefited. Rather by the suggestion of licence for markets the zemindars will take the advantage of realising more taxes from the agriculturists to meet their expenses. There are sections which are absolutely unnecessary and redundant. As regards sanitation and other arrangements in the market, they are done by the local authorities. Sections are there, powers are there and so it is absolutely unnecessary to suggest some innovation in some clauses in this Bill. All that we find is that even in this particular Bill the

zemindars are particularly favoured. So, Sir, we do not hope that any improvement will be made by this Bill to the condition of the agriculturists.

Sir, with these words I move my motion for recommittal.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, I feel it is my duty, though unpleasant, to support this motion for recommittal. When the previous Bill—I mean the Agricultural Produce Markets Bill—was introduced and referred to the Select Committee, then also I requested the Hon'ble Minister to drop that Bill and to bring a Bill to meet the real demands of the public in general and the peasantry in particular. What is needed to-day? Is it the regulation of markets, big and small, all over this province or the regulation of marketing? The problem which requires immediate solution in this country is the problem of affording better facilities for marketing the land products of this province so that producers may get better prices, at least fair and economic prices. In the Statement of Objects and Reasons of the previous Bill—I mean the Agricultural Produce Markets Bill—the Hon'ble Minister stated that it was the intention of the Government to provide measures in that Bill so that the producers might be ensured of a fair and economic value for their products. The object was laudable but in fact no such measure was provided therein. However, we expected that the Government would bring a new Bill for the achievement of that object, but I am disappointed to find that the Hon'ble Minister has brought this Bill not for that purpose but for regulating all the markets of the province whether big or small. The few provisions which have been provided in this Bill are inadequate and insufficient to meet the demands of the public as well as the peasantry. There is practically no provision of facilities for marketing their land products, so that they might get better prices.

Then, Sir, in this Bill also I find that the word "market" could not be properly defined. Probably you remember, Sir, that while we were discussing the definition of the word "market" in the previous Bill, the Bill was dropped, but no agreed definition could be found with regard to the word "market". Here also I find from the definition that the "market" as defined by the sponsor of the Bill as well as by the Select Committee, does not include the homesteads of the jute-growers or the godowns or the warehouses of traders where jute is sold and purchased. When these places where jute is sold are not included within the definition of "market", how can the Hon'ble Minister expect to extend the benefit of protection from exaction of unreasonable trade allowances, the benefit of standardisation of grades of jute and the benefit of standard weights to the agriculturists who sell their jute either at their homesteads or at the godowns of the traders.

Mr. SPEAKER: Is it your case that there is no trade allowance in anything except jute and that standardisation of weights is not necessary there?

Mr. SURENDRA NATH BISWAS: No, no, Sir. I do not say that, but the word "market" has been so defined——

Mr. SPEAKER: I understand that the scope of the Bill includes jute.

Mr. SURENDRA NATH BISWAS: The scope of the Bill includes not only jute but also many things else—I do not know what not. Everything that is visible in this world is included within this Bill But my contention is that the benefits of this Bill do not extend to jute sold at the grower's homestead or the trader's godown. However, Sir, my submission is that this Bill should be recommitted to the Select Committee in order to come to a definite understanding as to the real object of the Bill. If the real object of Government is to afford better facilities to the peasantry for selling their goods at better prices, then the Bill should be recast and provisions should be amended to that effect. That is the reason, Sir, why I say that the Bill should be recommitted to the Select Committee. For example, Sir, one main object which was contemplated by Government when they brought the previous Bill was that the Government should have regulated markets all over this province, and several provisions were made in that Bill for that purpose; but in this Bill there is one clause only with regard to markets which may or may not be established by Government. You know, Sir, that only one enabling clause which gives the power to Government to establish markets does not mean that Government will be empowered under this Bill to have regulated markets with all their paraphernalia. At the same time it is absolutely necessary in the interests of the peasantry that regulated markets should be established all over the province, so that the jute-growers may sell their jute in those markets and get the benefit of a better price.

Then again, Sir, there is the definition of agricultural produce. The term "agricultural produce" has not been satisfactorily defined in this Bill also. Hundreds of articles have been included in the definition. As I pressed this question on the last occasion I press it to-day also and request the Hon'ble Minister to consider the question, namely, whether he should concentrate the provisions of this Bill on a very few items of agricultural produce or deal with all and sundry commodities. Instead of having such a complicated or rather omnibus Bill he should narrow down the provisions of this Bill, so that the attention of the Legislature may be concentrated on a few agricultural articles, say,

jute, paddy, egg and one or two more similar products. I may inform the Hon'ble Minister and the members of this House that in foreign countries different Acts are passed and have been passed with regard to different agricultural products and other articles, say, for wheat, cotton, egg, meat, vegetables, but I find that the Government of Bengal for the last two years is bringing one and the same kind of Bill in respect of all articles that we can possibly imagine. This should have been avoided at least this time. I submit, Sir, that the demand of the people is that sufficient marketing facilities should be given to the peasantry, so that the peasantry may get better prices for their money crops, because if they can get better prices, the economic condition of the country as a whole will be improved. Otherwise the Government will not be able to improve the economic condition of the country. You know, Sir, that in 1932 while considering the question of improving the economic condition of the country Government came to a decision that they could tackle the problem of improvement of the economic condition of the country if they could only tackle the problem of the price of jute which is the chief money crop of Bengal, and that is why the Finlow Committee was appointed in 1932. Sir, I again draw the attention of the Hon'ble Minister to the very important fact that if they can tackle the problem of this money crop, I mean jute, and a few other money crops, then they will be able to tackle the problem of improvement of the economic condition of the country, which is one of the objects of this Bill. Then, Sir, I do not know what benefit Government will get from roping in the markets all over the province, big and small, having them registered once and getting the registrations renewed every three years, and also from licensing all markets, big and small, all over the province. This will only create confusion and discontent in the country. The members to my opposite should not think that all markets in the country are owned by zemindars against whom they have started a tirade. There are many *hats* and bazars which are owned by agriculturists also. In *char* area and in *beel* area it is mostly the agriculturists who are the owners of markets. Now, Sir, if Government go on controlling these markets with no appreciable benefit in return, then they will simply drive them to desperation.

Then, Sir, we find that under the provisions of this Bill Government wants to improve the communication and sanitary condition of markets. But may I enquire of the Hon'ble Minister what average income the proprietors get from markets of this province? Excepting the Calcutta markets and some other mufassal markets, take it from me that the average income of the proprietors of a very few markets is more than Rs. 100 a year. With that Rs. 100 how can you expect the proprietors to improve the communication and sanitary condition of the markets? It may be that the ordinary public

who go to the *hats* for marketing want better sanitary conditions and better roads, but is it a fact that the agriculturists who go there for selling their articles want better sanitary conditions and better roads and other amenities like that, or do they demand proper and sufficient provisions under State control, so that they may get better prices for their products? Instead of providing for any such measure which might enhance the prices of land products, Government propose to better the communication and sanitary condition of the markets! It is an irony of fate. Then again, I think the people who will go to markets to sell their goods after this Bill is passed into law, will have to pay a larger amount of rent than they are paying at present to meet the costs of improvement of markets under this law. I have gathered, Sir, that the agriculturists who go to the village markets for selling their goods do not generally grumble at paying rent. Of course, there are instances where the rents have been high, but invariably in all such cases, rival *hats* have been started by the agriculturists very near those *hats* to avoid payment of high rents. But under this Bill they will be forced to pay high rents. Then, there is the system of paying *tola*, the taking of which should certainly be made illegal. Realisation of unauthorised trade allowances also should be made illegal. For these two things, one short Bill would have been sufficient. Instead of making a mess of the whole thing in one Bill Government should have brought an independent Bill to make exaction of *tolas* and unauthorised trade allowances illegal.

Then, Sir, Government want to publish reliable information as to prices and other marketing information. That does not require a Bill of this nature. Government could do it otherwise. Even now they can publish such informations through Union Boards. If these provisions are eliminated from this Bill, the provisions of the registration and licensing of markets and the standardisations of grades and weights and measures only remain. Now, Sir, may I enquire how will this standardisation of grades and weights and measures be controlled by Government? Will not Government require the help of a specially trained staff to regulate the standardisation of grades in respect of articles like jute? Will not the verification of weights and measures also require a specially trained staff? These measures involve great financial obligation on the part of Government. But Government have not stated anywhere how this expenditure will be met. I presume that it will be met by raising fees in the markets. If that is the intention, I would advise the Hon'ble Minister not to press this Bill further and to drop it, because if these costs are met out of fees to be realised from the markets, it will drive the peasantry towards revolution. But I am diffident of the Bill being dropped. However, as a friend of the Hon'ble Minister I would advise him to refer the Bill back to the same Select Committee for consideration of the points I have raised.

Mr. C. MORGAN: Sir, I rise to oppose the amendment proposed by my friend Mr. Hashemy. This Bill in certain forms has been before us for about two and a half years and I congratulate the Government on at last having a simple Bill which, so far as I can see, will effect the objects which Government had in their mind when they brought in their first Bill which was completely impracticable. I reserve my other remarks to the discussion on the clauses of the Bill. I merely wish to register my dissent and opposition to my friend Mr. Hashemy's amendment.

Mr. SASANKA SEKHAR SANYAL: Sir, may I add a few pleasant words to the unpleasant words which fell from my friend Mr. Surendra Nath Biswas? In doing so, my first sweet word is that I am not amazed, and my party is not surprised, at the lavish congratulation which has been elicited from my friend Mr. Morgan of the European Group.

Mr. C. MORGAN: I was not lavish. I could have said more than I did.

Mr. SASANKA SEKHAR SANYAL: My friend was very lavish in his congratulations. The history of this Bill is very fresh in our minds. The ancestor of this Bill, the Agricultural Produce Markets Bill, was conceived in a fit of enthusiasm by the Ministerial Benches and excepting the details, the spirit of the Bill was also patronised by my friends to the left, I mean the European Group. But that Bill, Sir, dashed against a bedrock of opposition and dashed against the opposition which was formidable and unassailable and at that time the Minister concerned in his wisdom thought it fit to drop the Bill. We thought that the Minister also in his wisdom would pursue a new Bill which would not only meet the demands of the opposition but which would also be acceptable to the people outside. But, Sir, my next sweet word is that we have been disappointed because in the first place the Bill does not touch the fringe of the problem with which the people are confronted and in the second place the Bill is scanty, it is scrappy, it is imperfect and it is incomplete. Mr. Speaker, Sir, certainly we would welcome the overhauling of the body of the markets. But then the body of the markets is the least part of the problem with the numerous agriculturists who have got to assemble there day in day out. I know, Sir, that a lavatory in the market or a urinal might be helpful to people assembling there. But then, Sir, that is a problem which should be tackled after the agriculturists have been given some real food. If their kitchen is first tackled, there will be time enough to tackle the lavatory and the latrine hereafter. But I submit that the Ministry in its usual desire to have a stage acted before the public has

in its usual way performed the usual blunder. Government have tried to catch the imagination of the people and in trying to do so as their ideas are very hazy as their conceptions are imperfect, they have hit at the points of blunder and have disregarded the points which ought to have been tackled in the proper spirit. Market is not a place which is a club for recreation, for people assemble there not merely for the fun of it. People go there in their anxiety to fetch some price. May I ask the Hon'ble Minister concerned and through him my friends of the Coalition Party whether even a fraction of the objective has really been achieved by this Bill? I put it to my friends of the Coalition Party: are they able to satisfy their constituents that they are going to benefit by this piece of legislation, that is to say, they are going to get better and surer prices? The answer is clearly in the negative. Just imagine a poor man with weak limbs loaded with some vegetable products running, or I should say hopping, to the market in his anxiety to get a price there. There is a big shower of rain and the customers do not come in. What will he do with that load? Will he come back with that load of vegetable products to his house only to tell his wife that on account of the fury of Rain-God he has been disappointed so far as the day's journey is concerned? (Mr. G. MORGAN: *Force majeure!*) *Force majeure!* That is how the rich people have always exploited the poor people in the name of God, in the name of *force majeure*, and in the name of accidents. We know, Sir, to our dismay—I am thankful to my friend Mr. Morgan for this interjection—we know, Sir, that there is *force majeure* and that there are accidents. But the pity of it is that accidents always happen to the benefit of one class and to the detriment of another. Sir, we on this side of the House want to turn the wheel of accidents. We want to see that accidents nowadays happen to the prejudice of the other class and to the advantage of this class. Our grief is, our sorrow is, that the Ministry which is being piloted by a party who has come with the sufferage of the teeming millions is still steering the wheel of accidents which has always been to the benefit of the vested interests. We on this side of the House want to see that there must be an end of this regime.

Coming back to the old question, I was just asking my friends to visualise the position of the poor cultivator with his load of vegetable products coming back disappointed? This is not a matter of one day only. This is a matter which will happen to him almost every day. There may be some sort of *force majeure*. What is the remedy? My friend Mr. Surendra Nath Biswas has just pointed out that there must be a godown in which at least the cultivator can keep his own products even if he cannot find shelter for himself there for a night or two. The holding power of the producer must be increased and for increasing that holding power you must make arrangements for a

comfortable godown in the market so that people can put their commodities there on the off chance of getting a better price on the next day or on the day following. This is only one of the ways in which the Bill could have been improved and this is one of the instances in which the Bill may be said to have failed.

I know, Sir, that there are weights and measures which really prejudice the cultivator in the market. They must be remedied by all means. I know that the conditions in the market are far from sanitary and the sanitary conditions must be improved. To that extent I welcome the spirit and the letter of the law. But, then, to deal with only a fragment of the problem which confronts the people at large, I submit, Sir, is only tinkering with the problem; it is insulting the problem which ought to have been grappled in its real magnitude. I submit, in that view of the matter we on this side of the House must offer our opposition to the Bill and must instruct the Hon'ble Minister to see his way in getting an improvement of the whole matter. Merely improving the body and the structure of the market in the physiological sense will be of no avail. You must improve the spirit and life of the market; you must put more nutrition into it, some more glucose into it, so that people may live there and get some benefit out of it. I am not worried by the fact that a particular market may be the property of a landlord or it may be the property of a person less than a landlord. But what worries me is that the control which has been given through this proposed measure is a control which will ultimately go to the Government instead of giving the control to the working classes and the peasants and the agriculturists themselves. I do not understand why it would be necessary to introduce a new body for controlling the market by the Government. Why not leave it to the union boards which are functioning in the villages? The union boards are the battle-grounds for petty vanities. You can give the union boards more work, you can make them function in a healthier way to the ultimate benefit of the people. Why don't you place these markets in the hands of the union boards, a portion of which at least consists of the representatives of the people? I submit, the control which will be exercised will ultimately be not to the benefit of the people for whose interest this Bill professes to have been conceived. Sir, the name of the Bill is a misnomer. Instead of calling it the Markets Regulation Bill it would be proper to call it the Markets Control Bill, because the regulation of markets has really receded to the background and it is only the control that has come to the forefront.

Sir, before I resume my seat I would offer a suggestion which I did at a previous stage of this Bill when it was introduced in this House. Sir, Bengal is suffering from low prices of commodities, and so the markets must be places in which there should not merely be a guarantee against pilfering tolls and all these things, they should not only be

liberated from the exploitation of the overlords but these markets should be the guarantee places against gradually decreasing and declining prices. On the other occasion my honourable and learned friend the Hon'ble Minister came with the reply that prices must be governed by the law of demand and supply. They are, to a certain extent, no doubt, but then they can be controlled by human agencies. Even the laws of nature are being controlled by human agencies for the benefit of mankind, and I am not prepared to believe that a powerful Government, while functioning, cannot regulate the law of demand and supply in such a way that it may be ultimately helpful for the people at large. My friend probably will reply that artificial regulation of the prices will raise a cry from certain quarters. Let him not be deterred by that because he will not be introducing a new thing. As a matter of fact, there is dictation of prices from somewhere. For example, jute prices are dictated and they are dictated at the top. There are certain crops which are money crops, *e.g.*, cotton, in the case of which price is dictated from the top. There are certain other crops which can be converted into money crops——

Mr. SPEAKER: I hope you will not enter into this question in detail.

Mr. SASANKA SEKHAR SANYAL: All right, Sir. But my suggestion to the Hon'ble Minister will be—let him not be scared away by the threat of price control because, after all, price is controlled somewhere. Our suggestion is that instead of keeping the prices of staple goods and money crops at the mercy of the capitalists, let us have regulation of price somewhere at the bottom, let us go ahead with the idea not only of markets improved geographically, territorially and physiologically but let us also proceed with the idea of improving the markets for getting better prices for the commodities and for better prosperity of the people who with their blood produce these things.

With these words, Sir, I support the motion for recommittal.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, my friend the mover of this motion, Mr. Hashemy, was frank enough to admit that his real object was to oppose the consideration of the Bill and not actually to recommit the Bill to the same Select Committee. But my friend Mr. Biswas, seems really to believe that if the Bill is recommitted to the Select Committee, the Bill will be improved. I do not know how the Bill can be improved by its recommittal to the same Select Committee. Sir, the Select Committee will be bound by the scope of the Bill. My friend has given several very large orders which are absolutely beyond the scope of the Bill. (Mr. SURENDRA NATH

BISWAS: I know.) Therefore, if the Bill is recommitted to the same Select Committee, the Select Committee will neither be in a position to enlarge the scope of the Bill nor to enter into the large questions which my friend, Mr. Biswas, has raised in the course of this debate. Therefore, so far as his contention stands, I think there is no reason why this Bill should be recommitted to the same Select Committee.

Then, Sir, some of my friends have said that this Bill does not go very far, but my friend, Mr. Biswas, thinks that in certain respects it goes too far: it comprehends a large number of commodities, and so he thinks it goes too far. His argument is that we should begin with one or two commodities. I submit that had we begun with jute and paddy only, my friend would perhaps have been the first person to come forward and say, "Here is a silly Government who are dealing only with jute and paddy in spite of the fact that our cultivators produce so many other articles."

So far as the attitude of my friends opposite is concerned, they are determined to oppose everything that will be put forward from this side of the House, and their ingenuity will never fail them to bring forward arguments in favour of whatever proposition they stand for. Then, Sir, there are others who say that this Bill does not go far enough. I admit that this Bill has its own limitations. Some of them seem to think that every ill that the poor cultivator suffers from should be remedied by means of a Markets Regulation Bill. That, again, is a tall order which, I think, no Government on earth could accede to. But I would at the same time submit that this Bill is a very substantial measure, and it will do away with most of the outstanding marketing grievances of the cultivators of this province. And what are those grievances? One of their grievances is, and that is a substantial grievance, that they are victims of various abuses and oppressions in the markets. They do not get a fair price for their commodities on account of the conditions now existing there. Various illegal realisations are made from them: deductions are made from the prices received, and thereby they are deprived of a fair price for their commodities. It is abuses of this nature that the Bill seeks to remedy, and I would leave it to the House to consider whether it is not a very salutary measure whereby such practices can be put a stop to.

Then, Sir, there is another grievance. I am surprised to hear from Mr. Sanyal that the condition of our markets, needs no improvement——

Mr. SASANKA SEKHAR SANYAL: I have never said that——

Mr. SPEAKER: I am sorry to say that of late there has been too much of interruptions whenever a member of the Treasury Bench speaks in this House. You have had your say, Mr. Sanyal, without a

single interruption, and it is really a bad habit to interrupt others. I sincerely hope to see this practice being put a stop to once for all. It is really a painful duty on my part to say, "Order, please," whenever there are interruptions.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, he said that people do not go to markets for recreation. I understood from that that he does not think it to be important at all that the conditions prevailing in our markets in the mufassal need any improvement for the time being. Sir, those who are acquainted with the state of things prevailing in the mufassal markets know very well that in many of the markets conditions are appalling. There is no drinking water to be had. The sanitary conditions are of such a nature that if a citizen of Calcutta actually visited one of those markets, he would be simply taken aback. There is no privy; there are no drains. In the rainy season if you go there you will see that the roads and paths are full of mud and impassable. There are no sweepers in many of the markets. Even in a month many of the market places are not swept. (Interruptions from Mr. Surendra Nath Biswas.)

Mr. SPEAKER: Order please, Mr. Biswas. That is an interruption of the proceedings of the House. I have given warning that there should be no cross talks.

The Hon'ble Mr. TAMIZUDDIN KHAN: Those of my friends who think that conditions prevailing in the mufassal markets need not be looked into, that they need no improvement, I would submit that they are not acquainted with the conditions prevailing in our mufassal markets. I would submit, Sir, that it is a crying need that the conditions should be improved and this Bill seeks to improve those conditions.

Then, Sir, some of my friends have further argued that prices should be controlled by means of a Bill like this. That was never the intention of Government. The control of prices is in itself a very important and large subject. If that could be taken up that should be taken up by means of a separate measure. That cannot be incorporated in a Bill which seeks to improve the conditions prevailing in the mufassal markets and which seeks to do away with the abuses prevailing in those places.

Sir, I do not think I should enter into the other arguments that have been advanced by my friends opposite. I would only remind the House that after this Bill was introduced it was deliberately referred to a Select Committee by this House. Now it is too late in the day to

say that either the Bill should be thrown away or it should be recommitted to the same Select Committee. The Select Committee has not effected any change of a serious nature which entitles the House to reconsider its previous decision.

I oppose the amendment.

The motion of Mr. Syed Jalaluddin Hashemy that the Bengal Markets Regulation Bill, 1941, be recommitted to the same Select Committee was then put and lost.

The motion of the Hon'ble Mr. Tamizuddin Khan that the Bengal Markets Regulation Bill, 1941, as reported by the Select Committee, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 2, for sub-clause (*1*), the following be substituted, namely:—

"(*1*) 'Agricultural produce' means and includes jute and any other produce of agriculture which the Provincial Government may, by notification in the Official Gazette, declare to be agricultural produce for the purposes of this Act."

Sir, I will not dwell at length on this amendment. The reasons which I would give in support of my amendment I have already given while I spoke in support of the motion for recommittal.

Sir, I want and I would again request the Government to concentrate their attention first on jute and then on a very few agricultural products so far as this Bill is concerned. If they do so, there is no bar to accept my amendment. My amendment does not debar any other agricultural produce to be included within this Bill, but I have only left the discretion with the Government. If Government think that after regulating the market for jute they should regulate the market for other agricultural products also, they may do so even if my amendment is accepted.

With these words I commend my amendment to the acceptance of the House.

Mr. SPEAKER: Mr. Abul Fazl, are you going to move amendment Nos. 7-9?

Mr. MD. ABUL FAZL: Yes, Sir.

Mr. SPEAKER: But how can "dolls and idols" come within "agricultural produce"?

Mr. SURENDRA NATH BISWAS: Because they are made of wood.

Mr. SPEAKER: I have tried to rack my brain to find out how "dolls and idols" can come within "agricultural produce".

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 2 (*1*), in line 2, after the word "agriculture" the word "sericulture" be inserted.

Sir, I also beg to move——

Mr. SPEAKER: I am afraid country boats, dolls and idols are beyond the scope of the Bill. You can move up to "bamboo".

Mr. MD. ABUL FAZL: All right, Sir.

Mr. SASANKA SEKHAR SANYAL: Do you mean to say, Sir, that dolls are not necessary in this doll's house: (Laughter.)

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 2 (*1*) (*a*), in line 2, after the word "fish" the words "meat, bones, thatching straw and bamboo" be inserted. All these things require protection.

Mr. SURENDRA NATH BISWAS: Sir, may I say a few words? I would request you to put these sub-clauses after the amendments to the clause are finished.

Mr. SPEAKER: If there is anything interlocked, I shall consider that.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I oppose these amendments. As regards amendment No. 3, I have already indicated the Government view that we do not like to limit the definition of agricultural produce as proposed by my honourable friend, and there is, I think, hardly any necessity for such a proposal.

As regards amendment No. 4, products of sericulture need hardly be included within the definition of agricultural produce. Honourable

members will kindly see that this Bill does not limit itself only to agricultural produce. This is a Markets Regulation Bill and not agricultural products alone will come under its purview. From that point of view, I think, Sir, that we might as well do away with the definition of agricultural produce from this Bill. Only for certain limited purposes we have included agricultural produce in the definition clause.

The motion of Mr. Surendra Nath Biswas that in clause 2, for sub-clause (*1*), the following be substituted, namely:—

> "(*1*) 'Agricultural produce' means and includes jute and any other produce of agriculture which the Provincial Government may, by notification in the Official Gazette, declare to be agricultural produce for the purposes of this Act."

was then put and lost.

The motion of Mr. Md. Abul Fazl that in clause 2 (*1*), in line 2, after the word "agriculture" the word "sericulture" be inserted, was then put and lost.

The motion of Mr. Md. Abul Fazl that in clause 2 (*1*) (*a*), in line 2, after the word "fish" the words "meat, bones, thatching straw and bamboo" be inserted, was then put and lost.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 2 (*2*), in line 5, after the word "officers" the words "except police officers" be inserted.

Sir, in this sub-clause "Inspecting officers" mean any officer authorised or appointed by the Provincial Government in this behalf. They include all District Magistrates, Subdivisional Officers and Circle Officers and other officers are also given power. So, we want to exclude police officers.

Mr. SPEAKER: I am afraid your motion is wrong. That explanation should have been given much earlier.

Mr. MD. ABUL FAZL: Sir, it says "any officer appointed by Government". We want to exclude police officers.

Mr. SPEAKER: You mean that it should be any officer appointed by Government in this behalf excepting police officers.

Mr. MD. ABUL FAZL: Yes, Sir.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I oppose this amendment.

The motion of Mr. Md. Abul Fazl that in clause 2 (2), in line 5, after the word "officers" the words "except police officers" be inserted, was then put and lost.

Mr. SURENDRA NATH BISWAS: Sir, amendment No. 14 is a consequential amendment. So, I would request you not to put this amendment before clause 2A is finished.

Mr. SPEAKER: I think it will not be necessary to move this amendment. Automatically all these amendments will go out.

Mr. SURENDRA NATH BISWAS: If clause 2A is passed by this House, then this amendment falls through.

Mr. SPEAKER: What about amendment No. 15?

Mr. SURENDRA NATH BISWAS: Sir, I would like to move amendment No. 15 along with amendment No. 34.

Mr. SPEAKER: Amendment No. 34 cannot come in; it is out of order, because it is in conflict with sub-clause (3) (*a*).

Mr. SURENDRA NATH BISWAS: No, Sir. You will find from the nature of the report that has been presented by the Select Committee that the word "market" is used to mean different things in different sections.

Sir, there has been an omission of the word "also" in line 2 of my amendment No. 34. Will you kindly allow me to insert this, because I find that the word "also" is not there. The amendment should be: In sections 8, 9, 10—I am reading amendment No. 34—and sub-section (2) of section 11A, *also* any place.....and so on. Perhaps it was my own mistake. I would request you to allow me to add this word. What I mean is this——

Mr. SPEAKER: Let me dispose of this amendment first. So far as amendment No. 34 is concerned, I am doubtful if sub-clause (3) (*a*) is carried, amendment No. 34 at all arises.

Mr. SURENDRA NATH BISWAS: It does arise, Sir. I want to speak a few words on this subject.

Mr. SPEAKER: I shall consider later how it arises when amendment No. 34's turn comes. If you want to move amendment No. 15, you can move it now.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move——

Mr. SPEAKER: The Minister says he accepts it.

Mr. SURENDRA NATH BISWAS: Let me move my amendment, Sir.

I beg to move that in sub-clause (*3*) (*a*) of clause 2, in line 1, after the figure "9", the figure "10" be inserted.

If the Minister accepts it, then I need not argue.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I accept the amendment.

The motion was then put and agreed to.

Mr. DEBI PROSAD KHAITAN: Sir, I beg to move that in clause 2 (*3*) (*a*), in line 3, for the word "persons" the words "members of the public" be substituted.

Sir, my intention in moving this amendment is only to improve the definition of the word "market" so that the definition may cover only those places which the Government intend should be covered thereby. As the definition stands at present, it is any place at which persons ordinarily assemble. In the previous discussions that took place in this House, some doubt was expressed that as it stands the definition may include offices and other private places where business is carried on. It was not the intention of Government as has often been expressed in this House to include those places in the word "market". It was only for want of a better expression that could occur to anybody that the word "persons" was retained in the definition and an endeavour was made to substitute the word "persons" by the word "agriculturists" to make the meaning clear. An objection was taken that if the word "agriculturists" be substituted in place of the word "persons" then persons other than agriculturists also went to the markets and those places might be outside the purview of the word "market" and that was certainly not the intention. I suppose, Sir, that if the words "members of the public" be substituted in place of the word "persons", the whole object would be gained in a very neat manner and I do hope that Government will accept this amendment and make the definition of the word "market" clear beyond all possible doubt.

Mr. SURENDRA NATH BISWAS: Sir, I rise to oppose the motion moved by my honourable friend Mr. Khaitan.

Mr. SPEAKER: Let us hear your opposition after the adjournment.

(The House was then adjourned for 15 minutes.)

(After adjournment.)

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, Mr. Khaitan is afraid that the godowns and warehouses belonging to the jute mills and to the jute traders will be included within this definition of "market"; so, in order to exclude the jute godowns from the operation of sections 8, 9, 11, 11A, 11B, he has put in this amendment.

Mr. SPEAKER: Provided that no sale takes place there.

Mr. SURENDRA NATH BISWAS: But sale takes place in the godowns.

Mr. SPEAKER: Then they come in.

Mr. SURENDRA NATH BISWAS: But in jute godowns members of the public do not assemble. The owner of the godown purchases and the jute-grower sells jute there.

Mr. SPEAKER: Any purchaser is a member of the public.

Mr. SURENDRA NATH BISWAS: But, I am afraid, that is not the correct interpretation. If such a question comes up before a court, do you think that the court will hold that if a jute-grower goes to sell his jute to the godown of a trader, that godown will be treated as a "market" within the meaning of this definition?

Mr. SPEAKER: Yes, if a sale takes place there.

Mr. SURENDRA NATH BISWAS: But I do not think so. Any way, Mr. Khaitan is afraid that unless this definition is amended as suggested by his amendment, the jute godowns will become "markets" under this definition. So, in order to exclude the jute godowns—whether they belong to the mills or traders—from the operation of sections 8, 9, 11, 11A, 11B, he has put in this amendment. Sir, in my view, these godowns should not be so excluded. You say, Sir, that the definition will include jute godowns. That is the reason why Mr. Khaitan wants to exclude jute godowns from the operation of those sections, and for that purpose has put in this amendment. Sir, I oppose it. My reasons are that if any jute is sold in a godown belonging to a mill or to any trader, the jute-grower must get the benefits of the standardisation of grades which are contemplated in section 10 and of standard weights as contemplated in sections 11, 11A, 11B, but he will not get those benefits if the jute godowns are excluded. Then, with regard to section 8 which deals with trade allowances, the position will be also the same. At the jute godown the jute-grower will have to pay these allowances even though these will not be allowed by the law. Unless and until the jute godown is included within the meaning of

this definition, the trader and the mill will continue to realise the trade allowances as they are doing now. For these reasons I submit that the amendment proposed by Mr. Khaitan be not accepted and that godowns be included within the meaning of the definition of "market".

The Hon'ble Mr. TAMIZUDDIN KHAN: Mr. Speaker, Sir, I did not hear that Mr. Khaitan raised the specific question of "godowns" by means of this amendment. Probably he or some other member of this House may raise that question later on in connection with some other amendment. There are relevant amendments to that effect, but, so far as this amendment is concerned, I do not know whether Mr. Khaitan did raise the question of godowns. Personally, Sir, I do not think that if the word "persons" is replaced by the words "members of the public", the situation will, in any way, improve, because persons who assemble there are also members of the public, and, therefore, that will actually give no help to Mr. Khaitan. But if the apprehension is that private godowns situated outside market areas are likely to be treated as markets, I can at once dispel the impression that it is not the Government's idea to include those places within the definition of "market" for purposes of licensing or registering those places. Then, so far as the other general provisions of the Bill are concerned, namely, the application of the clause relating to trade allowances as well as other operative clauses of the Bill regarding weights and measures, etc., I can assure you that these provisions will be applicable wherever transactions take place. I would also like to point out to the House that in this Bill there is one saving clause in the proviso which says that "any place or class of places which the Provincial Government may, by notification, declare not to be a market shall not be deemed to be a market for purposes of this Act". In the previous Bill, honourable members may remember that the definition was framed in such a way that it might be said that even stray shops and stalls in the streets of Calcutta or in any other place might be included within the definition of "markets"! Government saw the difficulty and therefore the proviso has been added and the definition now stands in such a way that these godowns and similar other private places will come in for general purposes only. If, however, there is any danger of including those places within the definition of "market" for purposes of licensing or registering them, then Government by the power given to them by that proviso will declare that these will not be markets for purposes of registration or licensing. I take it that in that view my friend, Mr. Biswas——

Mr. SURENDRA NATH BISWAS: Paragraph 2(3)(*a*) to which the amendment has been proposed does not relate to licensing or registration. It refers to standardization of grades and standard weights and other things.

The Hon'ble Mr. TAMIZUDDIN KHAN: I am sorry, Sir; I see that. There is that larger question in the minds of my honourable friends that I have seen from the various amendments that they have tabled.

As far as I know, their objection is not directed to these abuses being stopped in these godowns or any other place where transactions take place, but their objection is that these places should not be subjected to registration or licensing. Sir, that is not the intention of Government and, if necessary, I shall make that point clearer when we come to certain other amendments. In fact, at this stage, I had no intention to take up this matter. But my friend, Mr. Biswas, has said that Mr. Khaitan referred to the question of godowns, although I did not hear Mr. Khaitan refer specifically to the question of godowns. As Mr. Biswas has raised this question, I have said all that I have got to say in the course of my speech on this amendment, and I hope, after hearing what I have just stated, my friend, Mr. Khaitan, will be prepared to withdraw his amendment.

Mr. DEBI PROSAD KHAITAN: Mr. Speaker, Sir, in view of the assurance that has been given by the Hon'ble Minister, I would ask for the leave of the House to withdraw my amendment.

The motion of Mr. Debi Prosad Khaitan that in clause 2(*3*)(*a*), in line 3, for the word "persons" the words "members of the public" be substituted, was then, by leave of the House, withdrawn.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 2(*3*)(*a*), in lines 7 and 8, the words "which is held for more than three consecutive days" be omitted.

Sir, we do not like that a *mela* which is held for three days should be excluded from the operation of this Act. In *melas* people are subjected to various difficulties and troubles and as it is contemplated by this Act that those who go to *melas* for transacting business should be protected I would like to ask the Hon'ble Minister to tell us why these *melas* which are held for three days or less have been excluded.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the reason is obvious. Government do not like to include *melas* which are more or less of an ephemeral character and which last only for a day or two. For that to undergo all the processes of applying the provisions of this Act will be futile.

Moreover, Sir, wherever *melas* are held people have to take licence from the local bodies—the district boards. District Boards have got some control over them. So far as sanitary requirements are concerned, they will be met by the provisions of the Local Self-Government Act. We, therefore, do not think it necessary to include these transitory *melas* within the purview of this Bill.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 2(3)(a), after the word "*hat*" at the end, the words "but does not include an exhibition occasionally organised by a local body or public committee" be added.

Sir, I want to exclude the exhibitions occasionally organised by a local body or public committee from the operations of this Bill. Sir, these exhibitions are more or less public institutions and are held for the development of industry and agriculture in our province. Does the Hon'ble Minister intend that these exhibitions are to be registered under section 2A? Does the Hon'ble Minister intend that the promoters of these exhibitions shall be liable to submit any information that Government may require under section 9? Does the Hon'ble Minister intend that the promoters of exhibitions shall have to maintain samples of standard grades or weights in those places? If he does not mean all these things, then he should exclude these exhibitions which are in fact industrial or agricultural or both and are organised by local committees and local bodies in Calcutta and mufassal. So, I submit that my amendment should be accepted by the Hon'ble Minister if he wants to avoid giving unnecessary troubles to these bodies.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, my friend has worded his amendment in such a way that it cannot be accepted. He wants to exclude exhibitions occasionally organised by a local body or public committee.

Sir, my friend Mr. Biswas certainly knows the instance of his own district. There usually an exhibition is held every year and when an exhibition is held, the bazar is transferred to the exhibition ground and the exhibition and the bazar take place together and it is held there for more than a month. Therefore, if a place like that is excluded, I think the purpose of the Act will be frustrated to that extent, but certainly Government have no intention that an agricultural exhibition will have to be registered under section 2A.

Mr. SURENDRA NATH BISWAS: How to remedy this?

The Hon'ble Mr. TAMIZUDDIN KHAN: It is doubtful whether these will come within the definition of "market". There people do not assemble for the purpose of purchase and sale. That is not the main purpose. The main purpose is something else. That is of a subsidiary nature.

Mr. SPEAKER: Government agreed to it on principle. Why not put it on the same basis, namely, provided it is not held in the market place and provided it does not go beyond a certain number of days?

The Hon'ble Mr. TAMIZUDDIN KHAN: That is not possible. If it is not held in a market place, it will also not meet all cases. Instances I have cited where the bazar is transferred to a place which is not a market place.

Mr. SURENDRA NATH BISWAS: Sir, as you suggested, a proviso may be added.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, may I then propose that it may be left over. If we find that there is any lacuna, then we shall think over it and ask your permission, if necessary, to move a fresh amendment.

Mr. SPEAKER: Put a clause later on. If you think that a clause like this should be added, you can add a new section, namely, notwithstanding anything contained in the Act, it will not apply to a market organised for such a purpose.

The Hon'ble Mr. TAMIZUDDIN KHAN: Just as you like, Sir.

Mr. SPEAKER: This clause must be disposed of.

The Hon'ble Mr. TAMIZUDDIN KHAN: So far as it stands in the present form, I oppose it.

Mr. SURENDRA NATH BISWAS: Sir, may I point out——

Mr. SPEAKER: We are disposing of this item, but if Government agree then later on they can put in a draft by which exhibitions may be excluded from the operations of this Act under certain contingencies and that may be done by a new clause—notwithstanding anything contained in this Act, it will not cover exhibitions, etc. There will be no bar to it.

Mr. SURENDRA NATH BISWAS: Sir, have you considered the point that I have raised? You should not put paragraph (*a*) of sub-clause (*3*) to vote now because we have got an amendment deleting clause 2A. So, if clause 2A is deleted and at the same time this paragraph (*a*) is accepted, then there may be an anomaly.

Mr. SPEAKER: This must be disposed of. You must make a decision whether you want this or that.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, may I draw the attention of the House to one thing? Actually no new clause will be necessary because there is that proviso to which I already drew the

attention of the House. There Government are being given power to exclude certain places or classes of places from the definition of "market". The power is there.

Mr. SPEAKER: Yes, there is that power.

Mr. SURENDRA NATH BISWAS: Sir, I beg to submit that if you put paragraph (*a*) of sub-clause (*3*) to vote now and if it is carried now, it will be carried with the figure and the letter "2A" although there are amendments for deleting clause 2A.

Mr. SPEAKER: Mr. Biswas, this is probably the tenth time I am telling you that this is purely a definition. Accepting (*3*)(*a*) does not mean that we are bound to put in 2A. If you really want to delete or substitute 2A, you can do it even at the third reading stage.

Mr. SURENDRA NATH BISWAS: All right, Sir.

The motion of Mr. Md. Abul Fazl that in clause 2(*3*)(*a*), in lines 7 and 8, the words "which is held for more than three consecutive days" be omitted, was then put and lost.

The motion of Mr. Surendra Nath Biswas that in clause 2(*3*)(*a*), after the word "*hat*", at the end, the words "but does not include an exhibition occasionally organised by a local body or public committees" be added, was then put and lost.

Mr. SURENDRA NATH BISWAS: Sir, I want your permission to move my amendment No. 34 with the addition of the word "also" in line 2 after the figure and letter 11A. My intention is——

Mr. SPEAKER: Let me understand your point. Do you want to add a new paragraph: market means——

Mr. SURENDRA NATH BISWAS: Yes, Sir. It will read as—"Market means in sections 8, 9, 10 and sub-section (*2*) of section 11A also any place where transactions of purchase and sale in respect of any agricultural produce are made for the purposes of trade or industry."

In these sections I want to provide that market should also mean any place where transactions of purchase and sale in respect of any agricultural produce are made for the purposes of trade or industry. My apprehension is that if the question comes up before a Court as to whether the definition of "market" includes "jute godown" where transactions are made between mills, or traders and jute-growers, whether this place should be regarded as a market or not and if the Court decides that that is not the intention of the definition, then, Sir, I am afraid——

Mr. SPEAKER: Let me see if the word "also" is in the original draft.

Mr. SURENDRA NATH BISWAS: This is a simple thing, Sir. With your permission I want to add only one word.

Mr. SPEAKER: No; that will be a very substantial change.

Mr. SURENDRA NATH BISWAS: If the word is not in my original draft then the mistake is entirely mine.

Mr. SPEAKER: What worries me is not the additional word "also", but whether it affects the entire structure of the Bill. Here there is a definition of the word "market" which you have accepted in sections 2A, 8, 9, 11, 11A and 11B.

Mr. SURENDRA NATH BISWAS: No, Sir. In sections 2A to 11B "market" means any place and so on, but I want to say that in those sections excepting of course section 2A "market" also means any place where transactions of purchase and sale in respect of any agricultural produce are made for the purpose of trade or industry, so that beyond doubt jute godowns shall be included in the operation of those sections and not for other sections, *viz*, registration or licence, etc.

Mr. SPEAKER: Do you mean to say that the office of the jute godown will also be included?

Mr. SURENDRA NATH BISWAS: It means any place where purchase and sale take place.

Mr. SPEAKER: Naturally; because you can take it from me that in the case of Calcutta business transactions of actual purchase and sale take place in the respective offices of the business firms. It is only to inspect the commodity that the businessmen go to the godown. I am only pointing out the defects and dangers of your amendment. As this amendment stands, it will not include the jute godown, because transactions do not take place there.

Mr. SURENDRA NATH BISWAS: Transactions are completed there.

Mr. SPEAKER: No; transactions are made in the offices.

Mr. SURENDRA NATH BISWAS: Transactions are not completed unless delivery is made. If the delivery is made at the house of the purchaser, then how do you give the benefit of this section to the seller?

Mr. SPEAKER: With that I am not concerned. I am only pointing out that this amendment of yours will not catch the jute godown which you want or any other godown; this will only catch the office. Take, for instance, the office of the Imperial Bank of India where transactions between two companies take place or the Hongkong and Shanghai Bank where you go as a purchaser and I as a seller; transaction is completed there and then delivery is made in the godown. Therefore it will not catch the godown.

Mr. SURENDRA NATH BISWAS: I did not think of this question from that point of view. If that is the interpretation then I submit that this may be passed over.

Mr. SPEAKER: No; you must move it and I must dispose of it first. I am permitting you to move it; I am not holding it out of order, because I quite understand your point.

Mr. SASANKA SEKHAR SANYAL: আপনারা সুরেন বাবুকে একটু সাহায্য করুণ।

Mr. SURENDRA NATH BISWAS: It will not help Suren Babu. It will help the jute-grower who will otherwise be denied the benefit of standard weights, etc.

Mr. SPEAKER: You move it. I am only pointing out the dangers. That's all.

Mr. SURENDRA NATH BISWAS: Then let this be put to vote. If Government do not include jute godown in the definition of market, then let them take the responsibility.

Sir, I beg to move that after paragraph (*a*) of sub-clause (*3*) of clause 2, the following new paragraph be inserted, namely:—

"(*a1*) in sections 8, 9, 10 and sub-section (*2*) of section 11A, also any place where transactions of purchase and sale in respect of any agricultural produce are made for the purposes of trade or industry."

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I oppose this amendment. My friend's apprehension is that certain provisions will not apply to these places unless the definition of "market" is changed. Sir, I do not accept that view, because so far as section 8 is concerned—this is one of the most important sections and makes illegal trade allowance unrealisable—that will be applicable everywhere. Even if transactions take place at the residence of the purchaser, there also the trade allowance will be prohibited. So irrespective of the place where transactions may take place, section 8 will be applicable.

So far as the other section (section 9) which deals with "power to obtain certain information" is concerned, that is not of very great importance. The information necessary may be had from the places which come within the existing definition of the market. Therefore it is not of paramount importance.

Mr. SURENDRA NATH BISWAS: Does not the Hon'ble Minister want to get information from the traders?

The Hon'ble Mr. TAMIZUDDIN KHAN: Traders will be in many places. Not only in the godowns but in other places also outside the market areas there will be traders. So far as information under clause 9 is concerned, it will not be necessary to have it from each and every trader. Therefore, I think this amendment is not at all necessary.

So far as sections 10 and 11 are concerned, our intention is that this should be made applicable to markets at the outset, because you will see and the House also will see that it has been provided in the Bill that proprietors of markets will have to keep samples of standard grades. Now in the private godown which will be outside the purview of market, there will be no such samples——

Mr. SURENDRA NATH BISWAS: Sir, I do not want that. I want only section 11A(*2*) to deal with weight.

The Hon'ble Mr. TAMIZUDDIN KHAN: Weight will be universally applicable. That will be applicable everywhere.

The motion of Mr. Surendra Nath Biswas that after paragraph (*a*) of sub-clause (*3*) of clause 2, the following new paragraph be inserted, namely:—

"(*a1*) in sections 8, 9, 10 and sub-section (*2*) of section 11A, also any place where transactions of purchase and sale in respect of any agricultural produce are made for the purposes of trade or industry"

was then put and a division taken with the following result:—

AYES—20.

Abdul Wahed, Maulvi.
Abul Fazl, Mr. Md.
Banerji, Mr. Satya Priya.
Barma, Babu Promhari.
Biswas, Mr. Surendra Nath.
Das Gupta, Babu Khagendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Jogendra Nath.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Singha, Babu Kshetra Nath.

NOES—68.

Abdul Aziz, Maulana Md.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Majid, Maulvi (Mymensingh).
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abdur Rauf, Khan Bahadur Shah (Rangpur).
Abdus Shaheed, Maulvi Md.
Abul Hosain Ahmed, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alifazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Biswas, Mr. Rasik Lal.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Farhut Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gyasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Choudhuri, Maulvi.
Hamilton, Mr. K. A.
Hasina Murshed, Mrs., M. B. E.
Hawkings, Mr. R. J.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H., M.B.E.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Mafizuddin Ahmed, Maulvi (Tippera).
Mandal, Mr. Jagat Chandra.
Miles, Mr. O. W.
Morgan, Mr. G., C.I.E.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Mustagawsai Haque, Mr. Syed.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Pettinger, Mr. G. U.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sanaullah, Dr.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Sirdar, Babu Litta Munda.
Speller, Mr. J. H.
Stark, Mr. A. F.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.

The Ayes being 20 and the Noes 68, the motion was lost.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 2 (*3*) (*b*) (*i*) in line 1, after the word "area" the words "any place at which transactions of purchase and sale of any agricultural produce usually take place for the purposes of trade or industry and" be inserted.

My object in moving this amendment is to make it specifically clear that the places in Calcutta where transactions of purchase and sale of any agricultural produce usually take place for the purposes of trade or industry are included within this Bill.

Mr. SPEAKER: You have added the word "usually" in this amendment. That is all.

Mr. SURENDRA NATH BISWAS: If it is feared that offices and other places may come in under my amendment as it is worded, if that be the interpretation, I may point out that there is the proviso by which the Government may exclude offices and other places which should not be treated as markets. Now, Sir, my intention has been

subject to this Bill. There are godowns in the Cossipore area, in the Narkeldanga area and in the Hatkhola area where jute is sold. If these godowns are excluded from the operation of this Bill, then, Sir, the jute-growers and other agriculturists will suffer. My intention is to include these places only for limited purposes—limited by the word "elsewhere" in the definition of market under paragraph (*b*). By the word "elsewhere", it is meant to include a few sections only, *viz.*, sections 4, 5, 6 and so on, except the sections 8, 9, 10, 11, 11A and 11B. Many of those sections will not apply to these godowns, but I want only that these godowns should come within the operation of the operating clauses of this Bill. And with that end in view I have put in this amendment.

Mr. MD. ABUL FAZL: Mr. Speaker, Sir, I intend to move my amendment that in clause 2 (*3*) (*b*) (*ii*), after the word and figures "Act, 1932" at the end, the words "within the area of such Municipality" be added.

I submit, Sir, that these words are necessary.

Mr. SPEAKER: I think this is meaningless because "in respect of any other area" means that. I think the words "within the area of such Municipality" are redundant, and the amendment is out of order.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, I beg to move that the proviso to clause 2 (*3*) (*b*) (*ii*) be omitted.

Sir, of all the amendments so far moved, this amendment deserves the scrutiny not only of the Hon'ble Minister in charge of the Bill but of the whole House. The proviso reads thus: "Provided that any place or class of places which the Provincial Government may, by notification in the Official Gazette, declare not to be a market shall not be deemed to be a market for the purposes of this Act". Sir, I understand sub-section (*3*)(*b*) and sub-section (*3*)(*b*)(*i*) read thus—

"(*i*) in respect of the Calcutta area, such building, block of buildings, enclosure or other area as may be declared to be a market place by the Provincial Government by notification in the Official Gazette, and

(*ii*) in respect of any other area any place at which persons ordinarily assemble for the purchase and sale of agricultural produce or any other commodity and includes any fair or *mela* which is held for more than three consecutive days and any *hat* but does not include any such place, fair, *mela* or *hat* owned or managed by the Commissioners of a Municipality constituted under the Bengal Municipal Act, 1932".

Sir, I do not know for what purpose Government——

Mr. SPEAKER: I think Mr. Biswas supplied the argument when perhaps you were not present.

Mr. SYED JALALUDDIN HASHEMY: Sir, I know that: that is one side of the thing but there is also another side of it. Suppose, there is a market of fifty years' standing and, suppose, one fine morning we find that Government declares that it is not a market. If Government says that the sun rises in the west, we have got to take it as true. Everything is there in clause 2: why then does Government want this particular clause? I could have understood the mentality of the Hon'ble Minister if he had drafted the proviso in this way: "Provided that any place or class of places which the Provincial Government may, by notification in the Official Gazette, declare to be a market shall be deemed to be a market for the purposes of this Act". But, then, why has the negative side been taken into contemplation I for myself do not know? How did this proviso escape the notice of the members of the Select Committee? It may be that when this Act will become operative, Government apprehends or interested parties apprehend that there may be licensed markets or *melas* in Bengal, and if they take proper licences under some section of this Act, Government cannot have any objection to these markets, *melas*, fairs or any such assemblage of persons; but if the proviso is there, Government at its sweet will may declare that a particular place is not a market and then the question of taking out a licence and of other provisions of this Act will not arise. I appeal particularly to the members on my left to consider that in this democratic age when we are going to enact new laws for the regulation of markets, what is the necessity for this wide and inelastic power being given to Government for the purpose of declaring a particular place as a market or not as a market. I would ask the Hon'ble Minister to consider my suggestion to take away the word "not" from both the places and redraft it in the manner I have just now suggested, namely, "Provided that any place or class of places which the Provincial Government may, by notification in the Official Gazette, declare to be a market shall be deemed to be a market for the purposes of this Act". That, Sir, will be favourable to us who want to start new markets or rival markets in place of the old rotten markets run by the zamindars. That will give us a scope and help us in starting new markets. Here Government has taken more power as in some of the other sections which it is not necessary for me to dilate upon now. We are not prepared, Sir, to give this unlimited power to Government for not declaring a place that shall not be deemed to be a market as a market for the purposes of this Act. If Government insists, let it withdraw this Bill and let it have full powers to deal with markets in any way it likes. If this power is vested in the Government, may I ask what is the necessity for having negative sections in this Bill? There is no such necessity. I would ask you to withdraw this Bill

and to regulate the markets by an Ordinance. Ordinances are there: the Defence of India Rules are there: you can regulate the markets by means of an Ordinance. In my own subdivision, Sir, rice is selling at a very high price: the same is the case with piece-goods, and we know that if we approach the authorities, they will cite the all-pervading Defence of India Rules: you can as well regulate your markets in that fashion because you have got wider powers in the Defence of India Rules. I submit, Sir, there is absolutely no necessity for this Bill: this Bill will be absolutely useless: it will be a mere cypher if you insist on having a proviso of this type. I would appeal to the members to my left at least to read this particular clause. I will read it for them: it is—"Provided that any place or class of places which the Provincial Government may, by notification in the Official Gazette, declare not to be a market shall not be deemed to be a market for the purposes of this Act". Everything is finished: nothing is left for us and for the people: I would therefore ask the Government to delete this proviso.

With these words, Sir, I move my amendment.

Mr. C. MORGAN: Sir, I beg to move that in clause 2 (*3*) at the end, the following additional proviso be added, namely:—

"Provided further that "market" does not include—

(*i*) private premises owned or held under lease by traders where traders purchase and sell agricultural produce or any other commodity by private treaty amongst themselves, and where traders do not deal directly with agriculturists, or

(*ii*) any place where persons assemble for the purchase and sale of tea as defined in paragraph (*ii*) of sub-section (*h*) of section 2 of the Indian Tea Control Act, 1938".

The reason for this amendment is obvious and my friends evidently understand it by the laughter it has caused.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, I beg to support the amendment of my friend Mr. Jalaluddin Hashemy and I also oppose the amendment proposed by our very good friend Mr. Morgan.

Sir, with regard to this question of giving a blank charter to Government, we repeat our old question of principle and we also advance new arguments for the same. Now, Sir, as a rule we do not approve of giving wide and unlimited powers to Government in such a vital matter at least. My friend Mr. Jalaluddin Hashemy has made it perfectly clear that with the right hand the Government is putting a

legislative enactment and with the left hand the Government is reserving the powers of taking away the provisions of that enactment. Well, Sir, this is preposterous position. There was some force in the contention of my friend the Hon'ble Minister when in reply to the question put by my friend Mr. Abul Fazl as to why *melas* were being exempted from the operations of this Act my good friend the Hon'ble Minister made it clear that *melas* are temporary things and that they can be dealt with under the Local Self-Government Act by the District Boards and the local authorities. Well, the Hon'ble Minister probably knows as well as others that the District Boards have not got very large powers which the provisions of the Markets Regulation Bill would give to the local authorities. In any way, even conceding for the time being that the *melas* could be dealt with by the local authorities, I submit, Sir, that there was certainly some basis for asking for an exoneration and for giving the Government definite powers for definite purposes; but indefinite powers for indefinite purposes cannot certainly be given to the Government. The reason is obvious. There will be discrimination between a market and a market and persons who have got long ropes of influence can very easily deal with the Ministers, approach the Ministers or the underlings of the Ministers and even the local executives can be influenced by influential people to grant them some exoneration, and persons with poor resources with smaller ropes of influence will not be able to reach either the local authorities or the Ministers or even the underlings of the Ministers. The reason is obvious, to quote my friend Mr. Morgan. The result will also be obvious that there will be distinction between a market and a market, between the proprietor of one market and the proprietor of another market.

Sir, we certainly oppose to give these wide powers through the rule-making power, because the rules get greater importance than the sections themselves and if these rules are meant to give the largest conceivable power to the Government which can be used even to the extent of undoing the statutory provisions of the Act, I cannot conceive of a more ridiculous position than this. Therefore, Sir, on this side of the House we would appeal to the Minister concerned not to insist upon this proviso being there and if there are really certain cogent reasons for temporary or periodical exoneration to a particular market from the operations of the Act, well, the powers which are given under the other proviso would serve the purpose quite well and it is not necessary to grab at such large powers.

It involves the question of democratic principle of legislation. It involves also the question of expediency which should not be lost sight of. It is well known, Sir, that party Government has got its merits and demerits. A party Government is always susceptible to various influences. A party in power has always got a tendency, even an

unconscious tendency, of dealing with legislative measures if there are openings for the same and practically, Sir, when exemptions are allowed and Government are given complete freedom, these exemptions will be available to the highest bidder. This bidding may be a bidding for monetary price; this bidding may be for other considerations. I do not mean to suggest that these considerations will always come into existence, but still I will ask the Coalition Party and the Government not to lose sight of all these possibilities at least. In that view of the matter, Sir, I support the amendment of Mr. Jalaluddin Hashemy.

With regard to Mr. Morgan's amendment, he has anticipated the opposition from this side and the reason for this opposition he has taken as obvious. It is too obvious to require any recounting. My friend Mr. Surendra Nath Biswas had given an apt reply to that—a running comment upon Mr. Morgan's observation—that the cat is now out of the bag. So, the cat is there. It has come out of the bag, but so far as the Opposition is concerned it is our desire to put the cat back into the bag.

Mr. SURENDRA NATH BISWAS: Sir, I want to speak a few words in opposing the amendment moved by Mr. Morgan. The intention of Mr. Morgan is to exclude from the operations of this Bill the jute godowns and other places where agricultural commodities are sold by treaty between two parties. I apprehended what Mr. Morgan has now made clear. When I heard the Hon'ble Minister in charge to say that he also did not want that the operation of the Bill should be extended to the houses of agriculturists or to the jute godowns, I apprehended that Mr. Morgan would move his amendment. May I ask him if those sections, sections 8, 9, 10, 11, 11A(2) and 11B should not be extended to the houses of the jute-growers or godowns in the mufassal or here in Calcutta where jute and similar other things are sold? Does the Hon'ble Minister intend that the benefits under those sections should not be extended to the sellers? Does he intend that the jute-grower who will sell his jute at the jute godown of a trader, say, at Char Muguria, will not get the benefit of standard weight and different grades of jute? Does he mean to say that the jute-grower who sells his jute at his own house will not get the benefit of the standard weight and standard grades? Sir, if Mr. Morgan's amendment is accepted, then all these premises, the houses of the jute-growers as well as godowns of the traders where jute is sold, not publicly but under treaty between two parties, will be excluded and the benefits under this Bill will not be extended to the agriculturists.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I oppose the amendment of Mr. Jalaluddin Hashemy.

Mr. SASANKA SEKHAR SANYAL: Sir, it is already past 8 and there will be a division on this amendment. May we know when you desire to close the debate to-day?

Mr. SPEAKER: Let the Hon'ble Minister finish.

The Hon'ble Mr. TAMIZUDDIN KHAN: His amendment is that the proviso should be omitted; but I would like to remove one misconception. First of all, my friend thinks that the proviso is only to clause (*b*)(*ii*). That is not so. The proviso is to the entire sub-clause (*3*) and not to sub-clause (*b*) only. My friend has asked why Government has introduced this proviso. The reason is already clear and I am afraid my friend either has not read the Bill carefully or did not listen to the debate in this House.

Sir, the definition of "market" has been given in a very wide manner and there are people who think that even stray shops might come under the definition, because market is a place where persons assemble for purposes of purchase and sale of commodities. I do not agree with that view, but there are people who think that the section can be interpreted to include even stray shops. There are shops not only in Calcutta but shops existing all over the country outside market areas. There are other places which might be similarly included but which under no stretch of imagination can be called markets. Therefore, Sir, this proviso has been introduced, so that places which are obviously not markets may not come under the definition of "market" as interpreted by some people. Sir, my honourable friend apprehends that if this power is given to Government, Government will abuse that power and will in a discriminatory manner exclude arbitrarily certain places from the definition of "market". That is an absurd surmise. Only people who have no confidence in the Government can speak like that, and from that point of view my honourable friend might say so, but appeals to the members of the Coalition party who have complete confidence in the Government will absolutely fail. (Laughter from the Opposition Benches.) That this proviso is necessary has been demonstrated also by a member of the Opposition—I mean my honourable friend Mr. Surendra Nath Biswas—who has already pointed out that if there was not this small clause, exhibitions arranged by local bodies and committees might come under the definition.

As regards the amendment of my honourable friend Mr. Morgan, I have already pointed out that it is not the intention of Government that godowns and other private places should be regarded as markets for purposes of registration or license. The form in which the amendment is brought is not acceptable to Government, because it is apprehended that private markets owned by proprietors might also come within the meaning of his proposed proviso.

As I have already said, Sir, that it is not the intention of Government to include places like that within the definition of "market"; I do not think that this amendment is at all necessary and also in view of the assurance I have already given I think my honourable friend will find it possible to withdraw his amendment.

As regards markets for the purchase and sale of tea, I can assure my honourable friend that it is not the intention of Government to include such places within the definition.

Mr. G. MORGAN: Sir, in view of what the Hon'ble Minister has said with regard to the question of registration and licensing of markets, I would like to withdraw my amendment.

The motion of Mr. G. Morgan that in clause 2(*3*) at the end, the following additional proviso be added, namely:—

"Provided further that 'market' does not include—

(*i*) private premises owned or held under lease by traders where traders purchase and sell agricultural produce or any other commodity by private treaty amongst themselves, and where traders do not deal directly with agriculturists, or

(*ii*) any place where persons assemble for the purchase and sale of tea as defined in paragraph (*ii*) of sub-section (*h*) of section 2 of the Indian Tea Control Act, 1938",

was then by leave of the House withdrawn.

The motion of Mr. Surendra Nath Biswas that in clause 2(*3*)(*b*)(*i*), in line 1, after the word "area" the words "any place at which transactions of purchase and sale of any agricultural produce usually take place for the purposes of trade or industry and" be inserted, was then put and lost.

The motion of Mr. Syed Jalaluddin Hashemy that the proviso to clause 2(*3*)(*b*)(*ii*) be omitted was then put and a division taken with the following result:—

AYES—17.

Abul Fazl, Mr. Md.
Banerji, Mr. Satya Priya.
Barma, Babu Premhari.
Biswas, Mr. Surendra Nath.
Das, Mr. Monmohan.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Jogendra Nath.
Roy, Mr. Charu Chandra.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.

NOES—63.

Abdul Aziz, Maulana Md.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Majid, Maulvi (Mymensingh).
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abdur Rauf, Khan Bahadur Shah (Rangpur).
Abul Hosain Ahmed, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Badruddoja, Mr. Syed.
Biswas, Mr. Rasik Lal.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Farhut Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gyasuddin Ahmed Choudhury, Alhaj.
Hafizuddin Choudhuri, Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hawkings, Mr. R. J.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H., M.B.E.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Mafizuddin Ahmed, Maulvi (Tippera).
Mandal, Mr. Jagat Chandra.
Morgan, Mr. G., C.I.E.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mustagawsai Haque, Mr. Syed.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Pettinger, Mr. G. U.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Sirdar, Babu Litta Munda.
Speller, Mr. J. H.
Stark, Mr. A. F.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.

The Ayes being 17 and the Noes 63, the motion was lost.

Adjournment.

It being 8-17 p.m.—

The House was adjourned till 4-45 p.m. on Friday, the 15th August, 1941, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 15th August, 1941, at 4-45 p.m.

Present.

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 9 Hon'ble Ministers and 187 members.

STARRED QUESTIONS

(to which oral answers were given)

Classification of A.R.P. expenditure in Bengal.

***53. Mr. NALINI RANJAN SARKER:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether the A.R.P. expenditure in Bengal is classified under certain broad headings?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what are the main heads of such classification; and

(*ii*) how much expenditure has been incurred up to date in Bengal under each of these heads?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. SUHRAWARDY): (*a*) Yes.

(*b*) A statement is laid on the Table.

Statement referred to in the reply to clause (b) of starred question No. 53.

Major and minor heads of accounts.	Actuals, 1939-40.	Actuals. 1940-41.	Actuals, 1941-42 (up to 30th June, 1941).	Total (columns 2 to 4).
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
63—Extraodrinary charges in India—				
B—Expenditure on Air Raid Precautions—				
(*i*) Pay of officers— Voted	..	15,932	17,647	33,579
Charged	6,700	20,178	17,360	44,238
(*ii*) Pay of establishment (voted)	2,194	12,936	9,327	24,457
(*iii*) Allowances, honoraria, etc.—				
Voted .. .	10	4,191	4,859	9,060
Charged	1,380	4,299	2,468	8,147
(*iv*) Contingencies ..	57,531	1,99,287	79,588	3,36,406
Total ..	67,815	2,56,823	1,31,249	4,55,887
D—Works . ..	..	..	80,208	80,208
	67,815	2,56,823	2,11,457	5,36,095

Operation of the Bengal Jute Regulation Act in Chittagong.

***54. Khan Bahadur Maulvi JALALUDDIN AHMAD:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) that Chittagong is not a jute-growing district; and

(*ii*) that only 400 acres of land are under jute plantation?

(*b*) Is the Hon'ble Minister considering the desirability of the introduction of an amending Bill excluding the operation of the Jute Regulation Act, 1940 (Bengal Act V of 1940) in Chittagong?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) No. Jute is grown in Chittagong district and 900 acres were recorded as under cultivation in that district in 1940. Three hundred acres were licensed to grow jute in 1941.

(*b*) No.

Scheduled Caste Officers in Educational Services.

*56. **Mr. DHANANJOY ROY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the existing number of posts in the cadre of—

(1) Assistant Head Masters of Government High English Schools,
(2) Assistant Superintendents of Normal Schools,
(3) Subdivisional Inspectors of Schools,
(4) Head Masters of Government High English Schools,
(5) Superintendents of Normal Schools,
(6) District Inspectors of Schools,
(7) Lecturers of Government Colleges,
(8) Professors of Government Colleges, and
(9) Divisional Inspectors of Schools; and

(*ii*) the number of Scheduled Caste officers in those services?

(*b*) If the number of Scheduled Caste officers is not adequate in those services, what action the Government propose to take in the matter?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) A statement furnishing the required information is laid on the table.

(*b*) Attempts to recruit Scheduled Caste officers by direct recruitment are made according to the communal Ratio Rules and the cases of Scheduled Caste officers in service are always carefully considered when vacancies are filled by promotion. Nothing more can be done until there is a large supply of properly qualified persons from which to recruit. To encourage them Government are giving generous financial assistance to members of the Scheduled Castes in schools and colleges.

Statement referred to in the reply to starred question No. 56.

	(*i*) Existing number of posts.	(*ii*) Number of Scheduled Caste officers.
(1) Assistant Head Masters of Government High English Schools.	42	Nil
(2) Assistant Head Master and Assistant Superintendent of Normal Schools.	4	Nil
(3) Subdivisional Inspectors of Schools	37	Nil

	(i) Existing number of posts.	(ii) Number of Scheduled Caste officers.
(4) Head Masters of Government High English Schools.	41	Nil
(5) Head Masters and Superintendents of Normal Schools.	4	Nil
(6) District Inspectors of Schools ..	27*	Nil
(7) Lecturers of Government Colleges	156†	1
(8) Professors of Government Colleges	108†	1
(9) Divisional and Range Inspectors of Schools.	6	Nil

*One has recently been selected for appointment as a District Inspector of Schools.

†Excluding the temporary and part-time posts and posts belonging to institutions not specially called Colleges, e.g., Ahsanullah School of Engineering, Dacca, Madrasahs.

Mr. ATUL CHANDRA SEN: With reference to answer (*b*) wherein the Hon'ble the Chief Minister says that nothing more can be done until there is a large supply of properly qualified persons from which to recruit, will the Hon'ble Minister be pleased to state whether the Government have considered the question of importing qualified candidates from outside the province?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, if there are any candidates available, we might consider it if that is the suggestion made by the honourable member.

Mr. RASIK LAL BISWAS: মাননীয় প্রধান মন্ত্রী মহাশয় দয়া করে বলবেন কি যে candidatesদের যে সমস্ত qualifications দরকার তার minimum qualification থাকলে তাদের বিষয় বিবেচনা করা হবে কি না?

The Hon'ble Mr. A. K. FAZLUL HUQ: I believe, Sir, there has been no case in which an attempt has not been made to recruit duly qualified Scheduled Caste candidates. If the honourable member can point out any instance in which a qualified Scheduled Caste candidate has been passed over, I shall be prepared to look into the case and do what is necessary.

Re-excavation of Aurora Khal in Khanakul, Hooghly.

*57. **Mr. TARAKNATH MUKERJEA:** Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) what progress has been made in the work of re-excavation of Aurora *khal* in Thana Khanakul of Hooghly district;

(*b*) when the work is expected to be completed; and

(*c*) what provisions, if any, have been made to maintain this *khal* in proper condition?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) Over one-third of the work has been done.

(*b*) Before the rains of 1942.

(*c*) The question of future maintenance of the *khal* will be taken up after the re-excavation work is completed.

Expenditure for Special Officer and staff to enquire into the service conditions of inferior Government servants.

***59. Mr. MD. ABDUL HAKIM VIKRAMPURI:** (*a*) With reference to the reply given to unstarred question No. 9 of the 3rd February last, will the Hon'ble Minister in charge of the Finance Department be pleased to state the amount incurred in—

(1) travelling expenses, and

(2) salary bills,

of the Special Officer and his staff engaged to enquire into and report on the improvement of service conditions of the inferior employees?

(*b*) Did the Special Officer pay any visit to the mufassal towns in this respect?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he had given any interview to any of the inferior employees on the spot?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (1) Rs.697-14 and (2) Rs.11,805-12.

(*b*) and (*c*) Yes.

Cultivation of long-staple cotton in Jalpaiguri.

***60. Babu KHAGENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that short-staple cotton grows in the Western Duars of the Jalpaiguri district from time immemorial?

(*b*) If so, is the Hon'ble Minister considering the desirability of ascertaining through experts whether there is a possibility of growing long-staple cotton in that part of the district?

(*c*) If so, is the Hon'ble Minister considering the desirability of starting demonstration farms for experiment as to its growth in that area?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) Yes.

(*b*) and (*c*) Yes. Experimental cultivation of long-staple cotton has been undertaken in this area since last year. It may be possible to say definitely at the end of this year or next year whether this variety of cotton can grow well in the district.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় দয়া করে বলবেন কি গত বৎসর যে তুলা হয়েছে সেই তুলার পরিমাণ এবং তাহার প্রকৃতি কি রকম? তা কি এখনও জানতে পারা যায় নাই?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know if any cotton was grown last year.

War supplies made by Industries Department, Bengal.

***62. Maulvi M. MOSLEM ALI MOLLAH:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is a fact that the Director of Industries, Bengal, has undertaken to make war supplies?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the supply work has been undertaken by the said officer in his personal and private capacity?

(*c*) If so, will the Hon'ble Minister be pleased to state—

(*i*) whether previous permission of Government was taken in the matter; and

(*ii*) how the expenditures incurred on account of office establishment, contingencies and travelling allowances for the purpose of the supply work are being met?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) Yes.

(*b*) The Director of Industries, Bengal, has undertaken the work in his official capacity with the permission of this Government.

(*c*) (*i*) Does not arise.

(*ii*) No extra expenditure is incurred in this connection on account of office establishment or contingencies. The small extra expenditure on travelling allowance is met from the normal budget of the Industries Department.

Publicity Department.

*63. **Maulvi M. MOSLEM ALI MOLLAH:** Will the Hon'ble Minister in charge of the Publicity Department be pleased to state—

(a) the circumstances that led Government to create the Publicity Department;

(b) the functions performed and the useful purpose served by the department; and

(c) how Government used to have those functions performed previous to the creation of the department under a distinct head?

MINISTER in charge of the PUBLICITY DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (a) The Publicity Department was created as a necessary concomitant of the establishment of a democratic form of Government under which it is of the utmost importance to keep the public informed of the departmental activities of Government, correct any erroneous impression about those activities, contradict false allegations and counteract misrepresentations. It is designed also to function as the Central Organisation by which propaganda of all the constructive and nation-building departments of Government is carried out.

(b) A statement setting forth the functions performed by the Publicity Department is laid on the Table and the useful purposes served by the department will be evident therefrom. The number of press-notes issued by the department during 1939 and 1940, were respectively 449 and 430 as against 185 in 1937. The number of contradictions issued in 1939 was 138 as against 100 in 1940, which shows that the constant vigilance kept on the press and the prompt issue of contradictions had tended to decrease the number of occasions on which false or misleading criticisms of Government were made in the press. As regards educative propaganda the various National Welfare Units which have been working since January, 1940, had by March, 1941, visited 934 centres, held 3,675 shows attended by a total audience of about 5,040,000. The Medical Officers treated about 128,000 patients to whom free medicine was distributed. The department also brought out two comprehensive volumes entitled "Two Years of Provincial Autonomy" and "Third Year of Provincial Autonomy" setting forth the activities of Government and also issued a Red Book giving very elaborate facts and figures which answered certain charges against Government which were being repeatedly made by a section of its critics.

(c) Some of the functions of the Publicity Department are new and the remainder were carried out by the Home (Press) Department which had also other functions to discharge.

Statement referred to in the reply to clause (b) of starred question No. 63.

1. Collection of materials from different departments and issue of press-notes and reviews giving publicity to the various activities of Government.

2. Examination of newspaper extracts containing criticism of Government, collecting materials from the departments or District Officers concerned for preparation of contradictions of statements to the Press.

3. Distribution to the press of the speeches of His Excellency the Governor, of Hon'ble Ministers and other high officials of Government.

4. Publication of the *Bengal Weekly* and the *Banglar Katha*, the two weekly organs of Government.

5. Constructive and nation building propaganda through the National Welfare Units and the Government Exhibition Motor Van and control of their staff.

6. Preparation of films and gramophone records for the education of the rural public and to give publicity to the departmental activities of Government.

7. Distribution of advertisements to the Press received from all Government departments and offices subordinate to them.

8. Maintenance of a list of newspapers and news service agencies and periodical revision of the same, to which press-notes, communiques and other publicity materials may be supplied free of cost.

9. Review of annual statement and report of newspapers compiled in the Bengali Translator's office.

10. Censorship of matter broadcast by the two stations of the All-India Radio.

11. Classification and maintenance of newspaper extracts for the purposes of reference.

12. Arrangement for public address equipment in connection with the tours of His Excellency the Governor and the Hon'ble Ministers and on other public occasions in which the Government are concerned.

13. War Propaganda.

14. Supply of miscellaneous information relating to the activities of the Government of Bengal to associations and individuals inside and outside the Province on specific requests.

15. Supply of information to press representatives who call daily and answering their enquiries as far as possible

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state how many copies of the *Bengal Weekly* are published, how many of them are subscribed by the people and how many are distributed free of cost?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, the circulation of the *Bengal Weekly* and the *Banglar Katha* is as follows:—

Bengal Weekly—6,575.

Banglar Katha—38,425.

The demand is daily increasing.

Mr. ATUL KRISHNA GHOSE: How many of them are subscribed by the public by giving money?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know how many of them are subscribed by M.L.A.'s. I would recommend the M.L.A.'s to subscribe them.

Babu NARENDRA NARAYAN CHAKRBARTY: On a point of order, Sir. M. L. A. কতজন, কিম্বা মন্ত্রীদের দপ্তরী কতজন তা জিজ্ঞাসা করা হয় নি। M. L. A.দের কথা অবান্তর।

The Hon'ble Mr. A. K. FAZLUL HUQ: May I point out, Sir, that knowledge is always useful, whatever the kind of knowledge is, because knowledge is power.

Mr. ATUL KRISHNA GHOSE: Sir, I wanted definitely to know what is the total circulation. The first part of my question about the circulation has been replied to, but the second part of my question, *viz.*, of the total circulation how many of them are subscribed by the people and how many of them are distributed free of cost, has not been replied.

The Hon'ble Mr. A. K. FAZLUL HUQ: In that case I would like to have notice.

Mr. ABDULLA-AL MAHMOOD: In view of the fact that the Hon'ble Minister has just now said that there is a great demand of the paper *Banglar Katha*, will the Hon'ble Minister be pleased to state whether Government is considering the desirability of increasing the circulation?

The Hon'ble Mr. A. K. FAZLUL HUQ: May I respectfully submit to the House that so far as the circulation is concerned, that must always depend on the demand. I am glad to be able to state that

apart from the supply which is given to the officials and others connected with the administration there are non-officials who also subscribe, and when I say that the demand is increasing it implies that the demand on subscription from pure non-officials is daily increasing. That means that the utility of the publication has been recognised. It depends to a great extent on the members of the Legislature to read these two publications and if they find them to be useful they will try to increase their circulation amongst their neighbours and friends.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether it is within the purview of the Provincial Government to incur expenditure from the provincial revenue for war propaganda as stated in No. 13 of the statement?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I hold the view that we are justified in spending money from provincial revenues for war propaganda.

Mr. ATUL CHANDRA SEN: In answer (*a*) it is stated that the Publicity Department is designed also to function as the Central Organisation by which propaganda of all the constructive and nation-building departments of Government is carried out. Now, will the Hon'ble Minister be pleased to state whether writings from eminent members of the public are invited and published in these two papers?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, if they send their articles, I think the officer in charge of the paper will be glad to publish them.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether in view of the previous answer of the Hon'ble Minister, Government is contemplating the desirability of setting up a joint committee of members of all parties of this House to control the policy of the *Banglar Katha* and the *Bengal Weekly* with a view to giving the true type of knowledge to the people?

The Hon'ble Mr. A. K. FAZLUL HUQ: May I make a statement, Sir, so far as this question is concerned. I shall try to be very brief. If my friend had any patience to read the first issue of the *Bengal Weekly*, he would have found that we set out there the reasons which had induced Government to start these two publications. So far as the Publicity Department is concerned, we do not wish to appear as partisan or even as the champion of the governmental activities, Our object really is to see that Government activities are not misrepresented, to give the right lead to the public and to place facts before them. In this view I do not think we have got any policy except to serve the cause

of truth, and in serving the cause of truth if any member of the Legislature or even any man from outside gives us any indication we will welcome it. We want to make these two publications as useful to the public as possible, because one side of the truth is generally shut out, namely, the correct representation of the governmental activities. That knowledge we want to supply to the public, and let them have knowledge from all concerned.

Mr. SANTOSH KUMAR BASU: With regard to the statement which has just been made by the Hon'ble the Chief Minister, will he be pleased to state whether he is aware of the nature of the articles that are generally published in the editorial columns of those papers?

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as the editorial articles are concerned, I generally go through them, in the *Bengal Weekly* and occasionally in the *Banglar Katha*, but I have not yet come across any article to which exception has been taken by any section of the public. I may, at the same time, tell the House that the *Bengal Weekly* and the *Banglar Katha* are subjected, with as much vigilance as is done in the case of the other section of the Press, to the rules which we have laid down for the guidance of the Press, and that they are not immune from punishment if they do anything wrong.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble the Chief Minister be pleased to state whether his attention was drawn to one particular article on the Calcutta Municipal (Amendment) Bill regarding separate electorates, which was published by the *Calcutta Municipal Gazette* as a special issue, and with regard to the heading "Chorus of Condemnation", it was stated in a particular article in the *Bengal Weekly* that it was a chorus of condemnation by a pack of jackals?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not remember to have read that. I may look into it.

Contour survey of rivers and other waterways in Bengal.

***64. Babu NAGENDRA NATH SEN:** Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(*a*) what steps have been taken for a Contour survey of the rivers and other waterways of this Province;

(*b*) whether the Government of the neighbouring Provinces are also joining and co-operating with such a scheme; and

(*c*) whether any committee has been set up for the purpose; if so, what are the names of the members thereof?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbaazr: (*a*) .None.

(*b*) and (*c*) Do not arise.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether this matter of contour survey has been in the contemplation of Government for a number of years?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir. I am afraid my honourable friend is under a misapprehension. The contour survey of the water courses is unnecessary except in connection with the experiment regarding the behaviour of particular rivers in specified circumstances, but what he probably might have meant is the contour survey of the land and not of rivers.

Point of privilege.

Mr. CHARU CHANDRA ROY: Mr. Speaker, I rise on a point of privilege. This is the fourth day most probably that I stand to draw your attention to the fact that Government do not send the answers regularly to this House. We are 250 members and we are entitled to ask 12 questions each. So, if even 150 members ask 12 questions each the House will not——

Mr. SPEAKER: I must frankly say that unfortunately my health has been responsible for my not being able to give that amount of vigilance as I ought to give to this question, but if any member draws my specific attention to such questions as are inordinately delayed in answering, I shall be very glad to take such steps as are within my power to get the answers. Usually I did it on my own accord but, as I say, my health has been responsible for not giving that amount of vigilance as before.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, we wish you speedy recovery to health so that you may energetically come to grips with this question of privilege of the House.

Committee on Petitions.

Mr. SPEAKER: There is just one other matter. I have to announce the Committee of Petitions which is to function this session. After consulting all the different groups it has been decided that the same Committee on Petitions as was functioning last year will be functioning this year.

NON-OFFICIAL RESOLUTION.

Gumti Embankment and Prevention of Breaches.

Mr. SPEAKER: We will now take up non-official resolutions. The resolution of Mr. Maqbul Hosain is now before the House.

Mr. ASIMUDDIN AHMED: মাননীয় সভাপতি সাহেব, গত দেড় শত বৎসরের অধিককাল যাবত কুমিল্লার গোমতী নদীর বাঁধ ভাঙ্গিয়া নদীর নিকটবর্ত্তী লোকদিগের সর্ব্বনাশ হইয়া আসিতেছে। South Western Circleএর Superintending Engineer, Mr. J. C. Vertenins, ইং ১৮৮৫ সালের ৬ই নভেম্বর তারিখে গোমতী নদীর বন্যা নিবারণের জন্য যে estimate দাখিল করিয়াছিলেন, ইহাতে তিনি এক লক্ষ হইতে দুই লক্ষ টাকার মধ্যে এই গোমতী নদীর পাকাপাকী ভাবে বাঁধের এক estimate দিয়াছিলেন। বাংলার গভর্ণমেণ্ট এই দুই লক্ষ টাকা আজ ৫৭ বৎসর মধ্যেও ব্যয় করিয়া গোমতী নদীর বাঁধের ব্যবস্থা করিতে পারিলেন না। বাংলা গভর্ণমেণ্টের কত কোটী টাকা অনর্থক বাহুল্য কাজে ব্যয় হইয়া থাকে।

গোমতী নদীর বন্যায় ত্রিপুরা জেলার ১,৭৫০টী গ্রামের ৯ লক্ষ অধিবাসীরা প্রপীড়িত হইতেছে, এবং ইহাতে কোটী কোটী টাকার ফসল বৎসর বৎসর নষ্ট হইতেছে। এই বৎসরের ন্যায় বন্যা পূর্ব্বে আর কখনও হয় নাই। দামোদর নদীর বন্যা অপেক্ষা গোমতী নদীর বন্যা অতি ভয়াবহ। গোমতী নদী কলিকাতা হইতে বহু দূরে অবস্থিত বলিয়া খবরের কাগজে ইহা প্রচারের সুবিধা পাইতেছে না। এই গোমতী নদীর বন্যায় লোকে ক্ষুধায় ও পীড়ায় অস্থির হইয়া গিয়াছে, ইহাতে হয়ত লোকের দায়ে ঠেকিয়া অবৈধ এবং বেআইনী ভাবেও জীবিকার ব্যবস্থা করিতে চেষ্টা করা অসম্ভব নয়। গভর্ণমেণ্টের সাহায্যের ব্যবস্থা ফকিরের ভিক্ষার চেয়েও নগণ্য। এইবার এই বাঁধ গোলাবাড়ী গ্রাম ও কাইচছাতলী গ্রাম দিয়া ভাঙ্গিয়াছে। অদ্য তিন মাস অতীত হইতে চলিল এই ভাঙ্গন এখনও বাঁধার কোন ব্যবস্থা হয় নাই। এখনও যদি ভাঙ্গন বাঁধান হইত তবে কোন কোন স্থানে কিছু কিছু ফসল উৎপন্নের চেষ্টা করা যাইতে পারিত। শুনা যাইতেছে ত্রিপুরা রাজ ষ্টেটে নাকি মাটি কাটিতে দিতেছে না। এই অজুহাতে বাঁধ বাঁধান না হইলে আগামী রবিশষ্যও কিছুমাত্রও উৎপন্ন করিতে সক্ষম হইবে না। কিছু কিছু রবিশষ্যও যদি কৃষকরা উৎপন্ন করিতে না পারে তবে তাঁহাদের ধন প্রাণ সমূলে নষ্ট হইবে। কোন স্থলে আগামী ১৮ মাসের মধ্যেও কোন প্রকার ফসল তাহারা উৎপন্ন করিতে পারিবে না। এই অভাবের দরুণ দেশে ম্যালেরিয়া, কালাজ্বর ও কু-খাদ্যের দরুণ কলেরা দেখা দিবে; পশুর ন্যায় বিনা পথ্যে ও বিনা চিকিৎসায় হাজার হাজার লোক অকালে মৃত্যুমুখে পতিত হইবে। সেইজন্য দেশবাসীর নিকট দায়ী থাকিবেন এই বাংলার গভর্ণমেণ্ট এবং এই বাংলার মাননীয় মন্ত্রীমণ্ডলী।

Sir, আজ দেড় শত বৎসরের মধ্যে এই ত্রিপুরা জেলায় কত ম্যাজিষ্ট্রেট্, কত কমিশনার, কত ইঞ্জিনিয়র, কত ডিষ্ট্রীক্ট বোর্ডের চেয়ারম্যান্ অতীত হইয়াছেন। এমন কি দু-চার জন মন্ত্রী মহোদয়ও এই গোমতী নদীর ভাঙ্গন স্বচক্ষে দেখিয়া আসিয়াছেন, এমন

কি দু-এক জন মাননীয় লাট বাহাদুরও এই ভাঙ্গন দেখিবার সুযোগ পাইয়াছিলেন; এবং তাঁহাদের নিকট কত Petition কত Deputation, কত Address স্বর্ণাক্ষরে ছাপাইয়া দেওয়া হইয়াছে, কত করুণ প্রার্থনা করা হইয়াছে কিন্তু তাহাতে বিন্দুমাত্রও উপকার হয় নাই। শুধু scheme হইল, তদন্ত হইল, কিন্তু কার্য্যে কিছু হইল না। হইতে পারে Engineersদের প্রদত্ত রিপোর্ট রাইটার্স বিল্ডিংঙ্গের আলমারীতে পচিয়া শেষ হইতেছে। গভর্ণমেণ্ট আর কতকাল দেশবাসী দরিদ্র কৃষকদিগকে আশায় আশায় ভুলাইয়া রাখিবেন। সর্ব্বশেষ আমার বিনীত নিবেদন এই যে গোমতী নদীর ভাঙ্গন অতি সত্বর পাকাপাকী ভাবে বাঁধার ব্যবস্থা করা হউক; এবং বর্ত্তমান বৎসরে বন্যা প্রপীড়িত স্থান সমূহের প্রজাদিগের খাজনা রেহাই দেওয়া হউক; এবং সালিসী বোর্ডের কিস্তি ও অন্যান্য কিস্তির মেয়াদ্ বৃদ্ধি করিয়া দেওয়া হউক। এই বলিয়া, আমি আমার বন্ধু মঃ মক্‌বুল হোসেন্ যে প্রস্তাব আনিয়াছেন তাহা সমর্থন করিতেছি।

Mrs. HEMAPROVA MAJUMDAR: মাননীয় সভাপতি মহাশয়, Mr. Maqbul Hosain যে প্রস্তাব এনেছেন আমি সেই প্রস্তাব সমর্থন করছি। গোমতি নদীর বাঁধ ভাঙ্গনের ফলে যে অবস্থার সৃষ্টি হয়েছে আমি তৎপ্রতি মহারাজা বাহাদুরের দৃষ্টি আকর্ষণ করছি। আমি তাঁকে অনুরোধ করছি তিনি নিজে গিয়ে দেখুন সেখানে কি অবস্থা হয়েছে। তিনি যদি সামান্যভাবেও চেষ্টা করেন তা'হলে দেশের লোক তাদের ফসল রক্ষা করতে পারে। ত্রিপুরা জিলার আর একটি নদী কাঁকরি, এই নদীর জল যাতে বয়ে না যায় তার চেষ্টা কতকদূর করে ছেড়ে দেওয়া হয়েছে। তিনি যদি উদাসীন থাকেন তা'হলে হাজার হাজার লোকের কি দুরবস্থা হবে তা তিনি উপলব্ধি করতে পারেন না। আমি বিশেষ করে মহারাজা বাহাদুরকে জানাচ্ছি যে প্রজাদের এক বৎসরের শস্য যদি এইভাবে বন্যায় ভেসে যায় তাহলে তাদের ঘরে এমন কিছু থাকে না যার দ্বারা এক বছর ধরে তাদের খাওয়ার ব্যবস্থা হ'তে পাবে। গোমতি এবং কাঁকরি নদীর বাঁধ ভাঙ্গার ফলে যে দুরবস্থার সৃষ্টি হয়েছে গভর্ণমেণ্টের সাহায্য দ্বারা তার কোন প্রতিকার হয় নাই। এক টাকা দু টাকা সাহায্য বা একসের আধ সের চাল দিয়ে লোকের পেট ভরান যায় না। এই অবস্থার দিকে দৃষ্টি করে ভবিষ্যতে যাতে ফসল নষ্ট না হয় সেইরূপ ব্যবস্থা যেন করা হয়। না হ'লে কেবল ভিক্ষা দিয়ে একটা পরিবারকে, যে পরিবারে ১৫।২০ জন লোক থাকে, রক্ষা করা যায় না। কাজেই আমি তাঁকে অনুরোধ করছি তিনি সত্যিকারের চেষ্টা করুন যাতে ভবিষ্যতে গোমতি এবং কাঁকরি নদীর বাঁধ ভাঙ্গার ফলে বর্ত্তমানে যে দুরবস্থা হয়েছে ভবিষ্যতে আর যেন সেরূপ দুরবস্থা না হয়। তিনি যদি এইভাবে উদাসীন থেকে দেশের লোকের সর্ব্বনাশ করেন তাহ'লে দেশের লোক কি করে বাঁচতে পারে? আজ দেশে কি রকম হাহাকার তা তিনি কলিকাতায় থেকে বুঝতে পারছেন না। তারপর যুদ্ধের জন্য বাজারের জিনিষের দাম হয়েছে দ্বিগুন, কিনে খাবার পয়সা লোকের নেই। ভবিষ্যতে যাতে দেশের লোক পরিশ্রম করে ফসল উৎপন্ন করে খেয়ে পরে থাকতে পারে আর ভিক্ষার ঝুলি না নিতে হয়, আমার অনুরোধ তার ব্যবস্থা করুন। আমি মহারাজা বাহাদুরকে অনুরোধ করি তিনি সেখানে নিজে গিয়ে একবার দেখুন গোমতি এবং কাঁকরি

নদীর বাঁধ ভাঙ্গনের ফলে দেশের লোকের কি অবস্থা হয়েছে অথবা কর্ম্মচারী পাঠিয়ে দিয়ে সঠিক সংবাদ গ্রহণ করুন। আমার আর বেশী বলার প্রয়োজন নেই। বেশী বললেও দুর্ববস্থা কমবেনা, কম বললেও দুরবস্থা কমবে না। এখানে ত্রিপুরা জিলার বহু Coalition দলের মেম্বর আছেন। তাঁরা কি দেখেছেন না ত্রিপুরা জিলার লোকের কি দুরবস্থা? এই বলে যে প্রস্তাব উপস্থাপিত হয়েছে আমি তা সমর্থন করছি।

Mr. SHAHEDALI: Mr. Speaker, Sir, I whole-heartedly support the motion moved by Mr. Maqbul Hosain. In supporting the motion I beg to state that we have represented the matter to the Hon'ble Minister several times by questions and also during the Budget Session having discussion on this Gumti embankment. Nothing could attract the attention of the Hon'ble Minister to this problem. Sometime ago he was very kind enough to invite some of the members of the district of Tippera to have discussion with him over this matter and we were under the impression that as a result of that informal discussion something tangible will come out, but to our utter misfortune up till now nothing has come out. The mountain has given birth only to a mouse!

Now, Sir, this is a curse and this curse is not one year or two years old; this curse of the district of Tippera has been continuing for the last hundred years. If anybody would care to go through the district of Tippera Gazetteer, written by Mr. Webster, the then Collector of Tippera, he will be convinced that for over hundred years the district has been visited by this curse. Many efforts have been made but to no purpose. These are embankments by the side of the river, but to our utter misfortune the embankment is always broken by the north side of the river. That has never affected the particular bank on which the headquarters of the district, namely, Comilla, stands. It is surmised that this is done by some people designedly, so that there may not be anything wrong with the headquarters, no matter whether the crops of the villages be ruined or not. Now, Sir, whenever there is a breach in the embankment, water rushes through and it covers an area of about 200 square miles and as a result the crops remaining in these 200 square miles are spoiled and the inhabitants of that locality starve; they live in a very precarious condition throughout the year. The Hon'ble Minister has kindly visited that particular area and has seen the embankment. We thought that there would be some steps taken, so that down the river, streams will not be so rapid and strong as to destroy the crops, but that also has not been fulfilled. Now we have quite understood that mere speeches in this Assembly will not do any good to convince the Hon'ble Minister of the havoc done by the Gumti embankment. The honourable members hailing from the district of Tippera who belong to the Coalition Group have also seen the evil effect of this river. They make speeches on the floor

of this House only to have them printed on the following morning in Azad to bluff the people of the locality. They have not tried in the least to have the grievances redressed. They will show the paper to the people in the locality and say "we have delivered speeches, we have cried for you, we have shed tears for you, but could not do anything". Sir, to-day I give a note of warning to the members of the Coalition Party hailing from the district of Tippera that in this motion they must vote with us and not with the Coalition to show that really they mean what they say.

Now, Sir, a huge amount was also collected by the Government for this purpose and that amount is spent, we do not know how? During the rains when the river generally rises up, they put some earth here and there and send big big bills saying that they have spent so much. That is the only thing that we see about the money spent which is received from the people of the locality. I again request the Hon'ble Minister to take up this question very seriously and see that he does something before the term of the Ministry expires.

Another thing I shall point out to the Hon'ble Minister is that no money is spent for the people of the Chittagong Division for this purpose or for any other purpose. Most probably it is due to the fact that no Minister has been taken from the Chittagong Division and their case is not represented to the Cabinet and so they cannot get any relief and sometimes it appears that the grievances are not even put forward before the Cabinet and they are not considered at all. So my request to the Hon'ble Minister to-day is that from this Opposition Group the members are pressing their grievances so far as the Gumti embankment is concerned and they like that the Hon'ble Minister will do something definitely during the term of his office.

With these words I support the motion.

Mr. SYED AHMED KHAN: Sir, দেড়শত বৎসর যাবৎ গোমতি নদীর বাঁধ নির্ম্মিত হইয়াছে। এর পিছনে এ পর্য্যন্ত বহু লক্ষ টাকা খরচ করা হইয়াছে কিন্তু প্রকৃত প্রস্তাবে বাঁধ ভাঙ্গন নিবারণের কোন কার্য্যকরী পরিকল্পনা এ পর্য্যন্ত হয় নাই। বর্ত্তমান মন্ত্রীমণ্ডলী বহুবার কুমিল্লায় গিয়াছেন। প্রতি বৎসর গোমতি নদীর বাধ ভাঙ্গন নিবারণের জন্য লক্ষ লক্ষ টাকা খরচও হইয়াছে সত্য কিন্তু এ পর্য্যন্ত তাঁহারা কোন স্থির সিদ্ধান্তে উপনীত হইতে পারেন নাই। Sir, এই নদীর ভাঙ্গন নিবারণ করিতে না পারিলে শুধু যে কুমিল্লা জিলার জনসাধারণের ক্ষতি হইবে তাহা নহে, যদি এই বাঁধ বাঁচাইবার জন্য উপযুক্ত ব্যবস্থা করা না হয় তাহা হইলে নোয়াখালি জেলাও প্লাবিত হইবে। নোয়াখালী জেলা বঙ্গোপসাগরের উপকূলে অবস্থিত হওয়ার ফলে আসাম, সিলেট, কুমিল্লা হইতে প্রবাহিত হইয়া যে সকল নদীর জলরাশি বঙ্গোপসাগরে পতিত হয় (যেমন মেঘনা, ডাকাতিয়া, কাঁকরি প্রভৃতি নদীর জল) সেই জলরাশি নোয়াখালী গিয়া আটকায়। তাহার ফলে সেখানে প্রবল বন্যা হয়। এবার বন্যায় ডাকাতিয়া নদীর জল প্রবাহিত হইয়া নোয়াখালী জেলা ডুবিয়া গিয়াছে।

এবার নোয়াখালীতে cyclone ও বন্যার দরুণ যে অবস্থা দাঁড়াইয়াছে সে অবস্থা ভাষায় বর্ণনা করা যায় না। লক্ষ লক্ষ কৃষক প্রজা না খাইয়া মারা যাইতেছে। বর্ত্তমান মন্ত্রীমণ্ডলী নোয়াখালীর দ্বারা উপকৃত। নোয়াখালীর মোল্লা, মৌলভীদের সাহায্যে এঁনারা পটুয়াখালির ভোট যুদ্ধে জয়লাভ করিয়া আসিয়াছেন। এখন সেই নোয়াখালীতে লক্ষ লক্ষ লোক অনাহারে মারা যাইতেছে অথচ মন্ত্রীমণ্ডলীর সে দিকে লক্ষ্য নাই। প্রধান মন্ত্রীসাহেব, সুরাবর্দ্দী সাহেব এবং স্যার বিজয় প্রসাদ সিংহ নোয়াখালী টাউনে গিয়াছিলেন, কিন্তু লক্ষ্মীপুরা, রায়পুর, রামগঞ্জ, রামগতি প্রভৃতি স্থানের গ্রামে, যেখানে লক্ষ লক্ষ লোক অনাহারে মরিতেছে, সেখানে তাঁহারা যান নাই। মাত্র দু-এক বস্তা মুড়ি বিতরণ করিয়া তাঁহারা ফিরিয়া আসিয়াছেন। বড়ই দুঃখের বিষয় নোয়াখালী জিলার যে সকল স্থানে cyclone ও বন্যা দ্বারা ঘরবাড়ী, বাস্তুবাগান, ফসল সমস্ত নষ্ট হইয়া গিয়াছে। সেই সকল স্থানে সাহায্য করিবার ভয়ে তাঁহারা মোটেই যান নাই।

Mr. SPEAKER: May I suggest that that is not the subject matter of discussion. I quite understand that the River Gumti goes to Noakhali, but I do not understand the relevancy of *muri-murki* to the Gumti embankments.

Mr. SYED AHMED KHAN: কাজেই যদি গোমতি ও অন্যান্য নদীগুলির বাঁধ শক্ত করিয়া বাঁধিয়া দেওয়া না হয় তাহা হইলে কুমিল্লা ও নোয়াখালী জেলার লোকেরা না খাইয়া মৃত্যুমুখে পতিত হইবে। কুমিল্লা ও নোয়াখালী জেলার লোকেদের স্বার্থ ওতঃপ্রোত ভাবে জড়িত। এক জিলার খাল বিল দ্বারা অপর জেলা উপকৃত। প্রত্যেক কার্য্যকলাপ দ্বারা এক জেলা অপর জিলার সহযোগী। কাজেই অনুরোধ করিতেছি বর্ত্তমান মন্ত্রীমণ্ডলী এইসব দিকে দৃষ্টি রাখিয়া নোয়াখালীর দুর্দ্দশাগ্রস্ত জনসাধারণের সাহায্যার্থে যাহাতে গোমতি নদীর বাঁধ রক্ষা পাইতে পারে তাহার সুব্যবস্থা করুন।

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I am glad this question about the Gumti embankments has given me an opportunity to explain to this House the steps which this Government have taken in order to solve this difficult problem of floods of the Gumti river. The Gumti embankments have been in existence not, as has been stated by some honourable members, during the last century but for not less than 3 centuries, that is, even before the Permanent Settlement. It is true that successive Engineers of the Bengal Government have tried to solve this problem but instead of adopting the right method they undertook the quack remedy of maintaining and strengthening the embankments which have been a curse not only to that part of the province but also to other parts as well. The evil effect of embankments I hope will be now appreciated at least by the people of this area. May I point out that it will never be possible to stop the flood absolutely and putting up of embankments is certainly not the solution for it. In years of abnormal flood these embankments, however much strengthened, give way, and the water

suddenly rushes out through the breach of the embankment destroying everything that comes on its way. This Government have been discouraging the putting up of embankments as much as possible. The Gumti embankments were originally in charge of the local landlords.

It was in 1920 that the Bengal Government took over from the Tripura Raj the charge of maintaining a large portion of the embankment, and in lieu of that the Tripura Raj has been paying a lump sum amount of money to this Government. Unfortunately, in that agreement which was drawn up with the Tripura Raj, a length of about 8 miles was somehow left out. That length practically became no man's land was not maintained by anybody. The trouble which has all along been experienced is breaches in that particular section. Sir, ever since this Government assumed charge we have been endeavouring our utmost to improve the situation and pending the formulation of a comprehensive scheme we have undertaken to maintain the entire length of the embankment, that is to say including that portion which was left out in the agreement with the Tripura Raj.

Sir, in 1938, the first comprehensive scheme was prepared by this Government as has been mentioned by one of the previous speakers, which was known as the Escape scheme. The idea behind that project was to divert a portion of the flood water through two newly-constructed channels and thereby reduce the pressure of the water in the Gumti. I personally visited the area in April, 1939, and there at Comilla I held a conference in which the representatives of the District Board, the representatives of the Tripura State and other local representatives were present.

Mr. SHAHEDALI: But no people's representatives.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As a matter of fact, I met some actual cultivators—a deputation from cultivators——

Mr. NIHARENDU DUTTA MAZUMDAR: Who could not understand the origin of the trouble.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: But I had the misfortune to forego the advice of Mrs. Mazumdar who had very kindly promised to meet me there but did not do so ultimately.

Sir, after discussing the matter with the cultivators who might have been affected by the scheme and the members of the conference it was decided to abandon the Escape scheme because it might have meant simply to divert the flooding from one area to another; and our experts concurred with this view.

Next, our experts suggested another scheme which is known as the Reservoir scheme. The idea was to construct a big reservoir at the upper reaches of the river which would hold up the water when the river would be in spate. Realising the gravity of the situation I called another conference in December, 1939, in Calcutta to which I invited all the representatives of that district in the Legislature——

Mr. SHAHEDALI: No, Sir. He invited only the representatives of the places through which the river flows.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, but I fully remember that the mover of this resolution was present in that conference. In that conference it was unanimously decided that we should do away with the embankments and undertake a contour survey at once. And, accordingly, we had to make special arrangements for providing money for the survey. The hydraulic and gauge reading was undertaken during the monsoon last year, and the field survey was completed during the last winter. Now, the materials so far obtained are under the consideration of experts with a view to advising Government how best to do away with the embankments. It is all very easy to say, "Do away with the embankments", but there is the Comilla town, and we have got to see that the town is protected to some extent. I hope Government will be able to come to an early decision in the matter.

Mr. SHAHEDALI: How long will you take?

Babu NARENDRA NARAYAN CHAKRABARTY: ওরা বলছে আর কত দিন লাগবে।

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I cannot say how long it will take, but as I have stated we have got the materials now: I believe the experts will be able to advise us in the course of the next two months.

Babu NARENDRA NARAYAN CHAKRABARTY: তা হোলে যুদ্ধের পরে হবে আশা করা যেতে পারে।

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: In the meantime, we were proceeding with the investigation of the other scheme, *i.e.*, the Reservoir scheme. In April, 1940, I with the Chief Engineer and other advisers visited the Tripura State and had a discussion with His Highness the Maharaja of Tripura and other officials. According to the views of our experts, the location of the reservoir had to be made within the Tripura State because major portion

of the catchment area of the river Gumti is within the Tripura State. Unfortunately, Sir, although an agreement had almost been reached and a decision to undertake a reconnaissance survey by the State arrived at the negotiation fell through ultimately.

Sir, the difficulty with the hill torrents is that people cannot get any previous warning when the flood is coming. If there is a very heavy rainfall in the catchment area, water suddenly rushes out, the embankments give way and the result is flooding.

Sir, the problem should have been solved long time ago. As a result of neglect in the past and the wrong policy of erecting of embankments the problem has now assumed a rather serious proportion.

Sir, it is no doubt true that the matter has been hanging fire for a number of years. But the responsibility is not ours. This Government has done everything possible to come to a proper solution of the problem. As a matter of fact, as I had stated in this House on another occasion as a result of the expansion of the department we have now a special subdivision at Comilla. And that will be of great help to us in collecting the necessary data. Sir, it is not possible and neither advisable to come to a very quick decision on a matter like this. We have got to consider many aspects of the question. Once a wrong approach of the problem is made, as was the case in the past, no one can say how long we will have to suffer therefrom. Besides if as a result of Government action private property is damaged Government will be liable for compensation.

Sir, I am well aware of the recent flooding in that area. It is unfortunate that people are now suffering on account of the floods. It is an unequal fight with nature. But in the circumstances Government is doing its best to alleviate the sufferings of the people by means of agricultural loans and gratuitous relief

So far as the problem of the embankments are concerned, we have a parallel case near at hand in the Damodar embankment. I have every hope, Sir, that as soon as the expert advice is received, Government will lose no time in taking the steps necessary for the demolition of those portions of the embankment of the Gumti which our experts would advise.

Sir, the resolution suggests that immediate steps be taken by Government to frame a comprehensive scheme to prevent breaches. Sir, as I have stated we have already taken up preparation of a comprehensive scheme and we have undertaken to repair the breaches and maintaining the embankments till our comprehensive scheme is ready. Under the circumstances I feel that there is no necessity for a resolution of this nature at this stage. I believe, Sir, that after all that I have stated the honourable mover of the resolution who was present in the

conference at the Secretariat knowing full well what this Government has been doing with regard to the Gumti embankments, will be good enough to withdraw his resolution.

The motion of Mr. Maqbul Hosain, as amended by Maulvi Abdul Wahed, that this Assembly is of opinion that immediate steps be taken up by the Government of Bengal to frame a comprehensive scheme to prevent breaches of the Gumti river embankments, was then put and a division taken with the following result:—

AYES—37.

Abdul Wahed, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. Satya Priya.
Barma, Babu Premhari.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chakrabarty, Babu Narendra Narayan.
Chaudhuri, Rai Harendra Nath.
Das, Mr. Monmohan.
Das Gupta, Srijut Narendra Nath.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gomes, Mr. R. A.
Gupta, Mr. J. N.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Lahiri, Babu Ashutosh.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Amrita Lal.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sen, Mr. Atul Chandra.
Shahedali, Mr.
Zaman, Mr. A. M. A.

NOES—107.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid Shah, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Majid, Maulvi (Mymensingh).
Abdul Majid, Mr. Syed (Noakhali).
Abdul Metaleb Malik, Dr.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Shah (Rangpur).
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Ahsanuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Ashrafali, Mr. M.
Azhar Ali, Maulvi.
Badruddeja, Mr. Syed.
Bell-Hart, Miss P. B.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Faziul Quadir, Khan Bahadur Maulvi.
Faziur Rahman, Mr. (Dacca).
Faziur Rahman, Mr. (Mymensingh).
Gladding, Mr. D., C.I.E.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Haddow, Mr. R. R.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Ispahani, Mr. M. A. H., M.B.E.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawas Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr. (Bogra).
Mafizuddin Choudhury, Maulvi.

Mahtab, Maharajkumar Uday Chand.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Manirudin Ahmad, Maulvi.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Bahadur Maulvi.
Mukerjea, Mr. Taraknath, M.B.E.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustaqawsai Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Pettinger, Mr. G. U.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Kshirod Chandra, Rai Bahadur.
Roy, Mr. Pulinram.
Sadaruddin Ahmed, Mr.
Sadruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sanaullah, Dr.
Sarkar, Babu Madhusudan.
Sen, Jogesh Chandra, Rai Bahadur.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, O.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Speller, Mr. J. H.
Smith, Mr. H. Brabant.
Stark, Mr. A. F.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tapuriah, Moongtu Lall, Rai Bahadur.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Yousuf Mirza.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 37 and the Noes 107, the motion was lost.

Mr. SPEAKER: As regards the next motion, Mr. Biswas, don't you think that a motion of this character is not wholly appropriate to the present occasion? These matters are being very seriously discussed elsewhere and if at the persent moment you discuss it in the House, it might create some ill-feelings here and there. I feel that it is in the interests of everybody that we should for the time being postpone the discussion of this motion till a suitable occasion arises.

Mr. SURENDRA NATH BISWAS: If you will kindly pass it over, I shall not mind.

Mr. SPEAKER: All right, I shall pass it over.

The next resolution stands in the name of Mr. Sen, but he is not here. I understand Government is not ready with the other resolutions. I am also not feeling well and I understand that members could not also anticipate that the turn of other resolutions might come. In the circumstances, if the House agrees, I shall adjourn the House till Monday.

(There was no objection.)

Adjournment.

Accordingly the House was adjourned at 6 p.m. till 4-45 p.m. on Monday, the 18th August, 1941, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 18th August, 1941, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 9 Hon'ble Ministers and 184 members.

STARRED QUESTIONS

(to which oral answers were given)

Introduction of the Bengal Forest Bill.

***66. Khan Bahadur Maulvi JALALUDDIN AHMAD:** Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether the Government contemplate the introduction of an amending Bill to the Indian Forest Act, 1927, so far as Bengal is concerned?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): Yes.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state when does he intend to introduce this Bill?

Mr. SPEAKER: Not this session (laughter).

The Hon'ble Mr. PRASANNA DEB RAIKUT: As soon as possible.

Mr. SPEAKER: I think that it is an improvement.

Mr. NIHARENDU DUTTA MAZUMDAR: When does the Hon'ble Minister expect that the draft Bill will be made available to the members either by publication in the Gazette or by previous circulation?

The Hon'ble Mr. PRASANNA DEB RAIKUT: It will be circulated to the members.

Digging of pits at Kurigram by Railway authorities.

***68. Mr. JATINDRA NATH CHAKRABARTY:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that the Eastern Bengal Railway has constructed a triangular line for the purpose of turning the Railway Engine rust very near and opposite the newly constructed Munsiff's quarters at the Kurigram subdivisional town, district Rangpur;

(*ii*) that big pits have been dug inside the triangular space to do earth work for the road of triangular line;

(*iii*) that the Public Health Department look upon these pits as insanitary and breeding grounds of mosquitoes; and

(*iv*) that it is a great menace to the health of the neighbouring people?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of taking steps for filling up the pits to ensure the safety of the health of the neighbouring people?

Mrs. HASINA MURSHED (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) (*i*) and (*ii*) Yes.

(*iii*) and (*iv*). Such pits are likely to breed mosquitoes if water is stagnant in them for at least a week. The pits will undoubtedly collect water during the rainy season and it is quite certain that mosquitoes will breed there during the rainy season and as malaria is prevalent in the area, these pits may form a source of danger to the residents of the locality

(*b*) Both the Assistant Director of Public Health, Rajshahi Circle, and the District Health Officer, Rangpur, who made local inspection of the area in question are of opinion that the proper and practical remedial measure will be to drain the pits by joining them with the existing side-drain of the railway lines which drains into the Dharella river, the drain being properly graded and maintained. The District Medical Officer of the Railways, Lalmonirhat, who was present during the inspection by the Assistant Director of Public Health, also agreed to the necessity of draining the pits and assured him of moving the Engineering Branch of the Railway to take necessary steps in the matter.

The matter will receive careful attention of the Hon'ble Minister.

Rise in price of paddy and rice.

*70. **Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(*i*) that for some time past the price of paddy and rice has risen abnormally high; and

(*ii*) that the majority of the agriculturists and the entire middle class and labour communities of the Province have been hard hit thereby?

(*b*) Is it a fact that the said rise in the price of paddy and rice has been due to the profiteering policy of the dealers therein?

(*c*) If so, is the Hon'ble Minister considering the desirability of taking immediate steps to stop such profiteering of the dealers?

(*d*) If not, why not?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) Yes, the present prices are about 50 per cent. higher than pre-war prices.

(*ii*) Obviously those who have to purchase rice and have not been compensated by a rise in price of other agricultural commodities or otherwise by an increase in their income are affected.

(*b*) and (*c*) No.

(*d*) The rise is due to shortage of stock on account of the comparatively poor yield of rice in Bengal last year and the increase in price of Burma rice.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that the quantity of rice sold in the markets all over Bengal is mostly local rice and that the quantity of Burma rice is very insignificant?

The Hon'ble Mr. H. S. SUHRAWARDY: There is a considerable stock of Burma rice here available for those areas where there may be a shortage of rice. Undoubtedly the amount of Burma rice is insignificant compared to the amount of paddy which is grown in Bengal.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it is a fact that the local rice merchants and the rice mill owners have increased the price because there has been a rise in the price of Burma rice?

The Hon'ble Mr. H. S. SUHRAWARDY: It is very difficult to say whether the merchants have increased the price. Certainly the price of rice has gone up. The price of paddy has gone up and consequently the price of rice must go up.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it is a fact that the hoarders of paddy and rice have raised the price and that is the reason why the price of rice and paddy has been raised?

The Hon'ble Mr. H. S. SUHRAWARDY: I have heard it said that there are hoarders of paddy and rice. They are not responsible for raising the price and there is not much of a hoard.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state who is responsible for raising the price?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know whether Hitler is or is not but certainly the economic conditions are responsible.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether it is within the means of the Bengal Government to check the rise of price?

The Hon'ble Mr. H. S. SUHRAWARDY: It is within the means of the Bengal Government if there is profiteering; otherwise it is not within our means. As a matter of fact, so far as the rise of price of rice is concerned the Government of India have definitely given us advice not to interfere with the wholesale prices of rice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the Government have set up any machinery with a view to investigating whether the rise in price is profiteering within the meaning of the Defence of India Rules?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, there is a Price Control Department here. All District Officers are also Assistant Controllers of Price within their respective districts. All Subdivisional Officers are also in charge of price control. All the District Officers and Subdivisional Officers are consequently watching the movement of prices.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the Government will consider the advisability of forwarding the proceedings of this House relating to this question to the Price Controller?

The Hon'ble Mr. H. S. SUHRAWARDY: With very great respect to the honourable member I do not see that anything useful has come out of these interpellations. I think we are much more in communication with the District Officers than the honourable member thinks. Every week we send by wire the price of rice in Calcutta for their information and they have instructions to see that the price of rice in their respective areas is not above the price of rice in Calcutta plus the freight charge and only 5 per cent. for profit.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have considered the desirability of investigating at what prices the stockists of paddy and rice have purchased during the season time?

The Hon'ble Mr. H. S. SUHRAWARDY: It is not the rice dealers or paddy dealers that have raised the price.

Mr. SPEAKER: We are dealing with the province as a whole. Just fancy that you are a Minister. It is not necessary to enter into the question at what price stockists purchased their paddy or rice. If you take the province as a whole it is always possible for Government to determine what is the average price.

Mr. SURENDRA NATH BISWAS: The price has risen by more than 50 per cent.

Mr. SPEAKER: I feel that instead of that you put something else which will help because really going into the question as to the price at which an individual stockist may have stored in a particular season is entering into a whole Bengal affair. It is practically impossible.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have investigated into the question whether rice dealers and paddy dealers are making enormous profits by selling rice and paddy?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, this has been the subject-matter of investigation and we have found that there is no profiteering. As has just been pointed out, it is very difficult to be able to state if any particular stockist is making profit or not. Just to give an example, suppose a particular stockist has purchased rice at Rs. 5 and he has, say, about 100 maunds of it and thereafter he has purchased rice from the Calcutta market here at Rs. 7 and he is selling at the market rate. It may just be that for those 100 maunds that he purchased at Rs. 5 he is making an undue profit, but it is an absolute impossibility on the part of Government to check or to investigate.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ করে জানাবেন কি ১৯৩৯-৪০ সালে কত চাল বাংলায় উৎপন্ন হয়েছিল ?

Mr. SPEAKER: That question does not arise.

Babu NARENDRA NARAYAN CHAKRABARTY: Sir, উনি বলেছেন rice comparatively কম হয়েছে। উনি কি করে জান্‌লেন ?

Mr. SPEAKER: That is a matter of record.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to his previous answer, will the Hon'ble Minister be pleased to state whether Government have made any thorough investigation into the exact causes of this rise of price by 50 per cent. over the pre-war level?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir, we have to the best of our ability. There is not only shortage of rice in Bengal but there is shortage of rice in the whole of India and for a long while the import of Burma rice in Bengal stopped owing to rice being imported in Cochin and Bombay where the price of rice had risen higher than in Bengal. But when the price of rice, owing to shortage in Bengal, began to rise so that it paid merchants to bring rice to Bengal, Burma rice began to be imported here. It was assisted by the fact that we induced merchants to import rice here and we also provided them with shipping facilities. It was thereafter that the stock of Burma rice in Bengal rose from 1 lakh maunds to 10 lakh maunds.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether in the investigations carried on to the best of the ability of Government any account was taken of the price in excess of the price of rice at the time of the last harvest and during the period between the last harvest and the previous one and tracing in relation to that how far actually the price rose due to poor yield of the crop or how far higher price was on the rise that was actually stopped?

Mr. SPEAKER: If I were a Minister, I would have said that it was too deep for me! (Laughter.)

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, nothing of the kind has been done because Government realized that the consumption of rice is not static. It is consumed every day and to be able to say whether one grain of rice sold to-day is of the 1938-39 crop or of the 1939-40 crop is impossible. We have got to see where the price of

rice stands at the present moment and we have to correlate to that firstly the price of paddy, then add on the milling charges to it and then add on a certain amount of profit for middlemen and then see whether the price of rice is proper or not. Further we see what the price of rice is in the Calcutta market which is a competitive market. You can also take it for granted that if the price of rice was too high here, rice would flow in from other places and the price would go down because that is a commodity in regard to which there is considerable fluidity and if the price of rice was higher in other provinces, rice would flow out from this province so that practically the price is maintained on a par throughout India.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state what shipping facilities have been afforded during the last six months for the import of rice to Chittagong and other ports?

The Hon'ble Mr. H. S. SUHRAWARDY: I think I pointed out to the House that before we started taking action there was only a stock of 1 lakh of Rangoon rice in Calcutta and owing to our efforts we have now got 10 lakh maunds—it has probably gone down by two lakh maunds so that it is now about 8 lakh maunds. Further, the Burma Government stopped the export of rice from Arakan and it is the Arakan rice that mostly goes to Chittagong. This Government made representations within a day or two both to the Government of India as well as to the Government of Burma and fortunately our representations had effect and the Burma Government has removed the embargo on the export of rice from Arakan which mostly goes to Chittagong.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state what is the stock in Chittagong? The Hon'ble Minister perhaps knows that there was flood in the Noakhali district.

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware what the stock in Chittagong is, but if the honourable member desires, not only shall I find it out but shall make every effort to see that if there is shortage in Chittagong, the merchants, who are very helpful to us in the present moment, import rice in Chittagong.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether it is a fact that this abnormal rise in the price of rice is due to the fact that the Government of India is purchasing rice at a very higher price for war purposes in order to send it to Middle East and outside India?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, I am not aware of it. There is shortage.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that it is the usual practice with the rice and paddy stockists to raise their prices as soon as the price of Burma rice rises?

Mr. SPEAKER: That question does not arise.

Mr. ATUL CHANDRA SEN: With reference to answer (*d*), is Government aware what the present stock of rice in Bengal is?

Mr. SPEAKER: He has said that.

Relief Operations and Statement by Hon'ble Minister.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I state before answering the question (*72) that the Revenue Department has received several questions of this nature about the relief operations in different districts?

Mr. SPEAKER: What I want to say at the present moment is that the House will probably be benefited if all these questions are consolidated together and replies given together and supplemntaries follow on all these questions. If there are any other similar questions to-day or to-morrow, I can pass them over and you can put them all together one day.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, what I was going to suggest is this that I propose to make a comprehensive statement dealing with most of the points raised in these questions, so that the House may know what the Government are doing.

Mr. SPEAKER: On this question or are there any other questions?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On all the questions on relief measures.

Mr. SPEAKER: What I want to say is that you better prepare a statement containing replies to all the points and send in an advance copy. You need not read the statement. After that supplementary questions may be put.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think, Sir, that will be very helpful.

Starred Question No. 74.

Mrs. HASINA MURSHED: Sir, the Hon'ble the Chief Minister has just left the House to attend to some important and unavoidable business. He has asked me to inform the House through you, Sir, that the answer to question No. 74 is not correct. He, therefore, desires to have some time to revise the answer. This question may, therefore, be held over.

Mr. SPEAKER: It will be held over.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Chief Inspectors and Inspectors of Jute Regulation Department.

51. Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing—

(*a*) the number of (1) Chief Inspectors and (2) Inspectors at present existing in the Jute Regulation Department;

(*b*) their names;

(*c*) their educational qualifications;

(*d*) their pay and other allowances; and

(*e*) other privileges, if any?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (1) The number of Chief Inspectors working in the Jute Regulation Department is 37. In addition there are three Inspectors-in-charge.

(2) The sanctioned strength of Inspectors is 135 but the number actually working is 130 including the three Inspectors-in-charge.

(*b*) and (*c*) A list showing the names and educational qualifications of the Chief Inspectors and the Inspectors is laid on the Library Table.

(*d*) The pay of the Chief Inspector is Rs.100 per month and that of the Inspector is Rs.75 In dry and river districts the Chief Inspectors are allowed Rs.50 and Rs.75 respectively per month as fixed travelling

allowance while the Inspectors are allowed Rs.35 and Rs.50 respectively per month. The Inspector-in-charge holds somewhat independent charge of sub-charges, namely, Howrah, Siliguri and Chittagong.

(*e*) The Chief Inspectors and the Inspectors are allowed in addition to fixed travelling allowance single second and inter class fares respectively when they actually perform their journeys by steamer or railways. In case of travelling outside their jurisdiction they are allowed single railway or steamer fares of their respective classes plus a daily allowance of Re.1-12 in lieu of fixed travelling allowance for the days.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether it is a fact that the Chief Inspectors appointed by Government before were not taken as Chief Inspectors this time?

The Hon'ble Mr. TAMIZUDDIN KHAN: I don't know, Sir, how that question arises.

Mr. SPEAKER: What is your question?

Mr. CHARU CHANDRA ROY: My question is that I have seen the names of Chief Inspectors on the Library Table, and I find that many of the gentlemen who were appointed as Chief Inspectors before during the last survey were not appointed this time as Chief Inspectors. I want to know whether it is a fact.

Mr. SPEAKER: You will have to put that question separately. That is an independent question.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether it is a fact that many of the gentlemen appointed as Chief Inspectors before were not taken this time?

Mr. SPEAKER: You will have to put that question separately.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether the communal ratio has been maintained in appointing Chief Inspectors?

Mr. SPEAKER: I do not want to touch the communal matter if I can avoid it.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state how long the services of these Chief Inspectors will be necessary for the regulation of jute?

Mr. SPEAKER: Separate question please.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether the Chief Inspectors are still in service?

Mr. SPEAKER: Separate question please.

Appointment of Scheduled Castes in higher grade clerical service under Communications and Works Department.

52. Mr. UPENDRA NATH EDBAR: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) the number of clerical employees serving at present in the Public Works Department, Bengal; and

(*ii*) the number of higher and lower grade clerks in each Circle that are—

(1) Caste Hindus,

(2) Muslims, and

(3) Scheduled Castes?

(*b*) Is it a fact that there is no higher grade clerks from the Scheduled Castes in the Province of Bengal?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, he proposes to take for increasing the number of Scheduled Caste employees in the higher grade on the service ratio basis?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) A statement is laid on the Library Table.

(*b*) No.

(*c*) Vacancies in the higher grade of clerical service in the subordinate offices are filled up by the method of promotion to which Communal Ratio Rules do not apply.

In the Secretariat, however, certain upper division clerical posts are filled up by direct recruitment on the basis of Communal Ratio Rules, and I hope that qualified Scheduled Caste candidates will be forthcoming to take their due share of these recruitments on the Communal Ratio basis.

Mr. KSHETRA NATH SINGHA: Will the Hon'ble Minister be pleased to state whether the Government is willing to try to bring up Scheduled Caste candidates?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Certainly.

Pay and prospects of Inferior Government servants.

54. Dr. MAFIZUDDIN AHMED: (*a*) With reference to the reply given to unstarred question No. 9 on the 3rd February, 1941, will the Hon'ble Minister in charge of the Finance Department be pleased to state whether the report of the Special Officer has yet been published?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state when the said report is likely to be published?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): The honourable member is referred to the reply given to unstarred question No. 27 in this session.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state when was the report of the Special Officer submitted to Government?

The Hon'ble Mr. H. S. SUHRAWARDY: The report has been submitted to Government.

Mr. ABDUL WAHAB KHAN: On what date the report was submitted?

The Hon'ble Mr. H. S. SUHRAWRDY: I think at the beginning of December, 1940, or end of November, 1940.

Special Officer of Co-operative Department for framing Rules.

55. Mr. SATYA PRIYA BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether, and if so, when the services of Khan Bahadur A. M. Arshad Ali as Special Officer in the Co-operative Department for the framing of Rules under the Bengal Co-operative Societies Act, 1940, have been dispensed with?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

(c) Will the Hon'ble Minister be pleased to state whether the services of any other person have been requisitioned in place of Khan Bahadur A. M. Arshad Ali?

(d) If so, is he an officer of the Co-operative Department or an outsider?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (a) On the 31st May, 1941.

(b) Does not arise.

(c) Yes.

(d) A retired officer of the Co-operative Department.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether all the rules have already been framed, and, if so, whether the rules have been published?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The rules have been framed and they are under examination and are expected to be published very soon.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what was the painful necessity of taking in a retired officer?

Mr. SPEAKER: It is obvious; if I had to do it, I would have exactly done the same thing.

Mr. ATUL KRISHNA GHOSE: Government say that it is their policy not to take retired officers. If that is their policy, then why that has not been followed in this case? Let the explanation be exposed and let the public decide whether the explanation is quite satisfactory or not. What was the necessity on the part of Government of taking in a retired officer in preference to others who are already in the service?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Because we could not find out an officer who would be able to do it as quickly as could be done by this officer.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether the Government tried by publishing an advertisement to find out a suitable candidate?

Mr. SPEAKER: That does not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether an enquiry was made into the department itself to find out a suitable person?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: We certainly had the matter examined in the department and we thought that this gentleman who was associated with the Bill at some stage would be able to prepare the rules and finish them quickly.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state on what date and under which circular letter Government enquired into the matter departmentally to find out a suitable person?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: It is out of this question that we can find out the truth.

Expenditure in connection with appointment of Special Officer for inferior Government servants.

57. Mr. DHANANJOY ROY: (*a*) With reference to the reply given to unstarred question No. 9 on the 3rd February, 1941, will the Hon'ble Minister in charge of the Finance Department be pleased to state the amount incurred as—

(1) travelling expenses, and

(2) salary

of the Special Officer engaged to enquire into and report on the improvement of service conditions of the inferior employees?

(*b*) Will the Hon'ble Minister be pleased to state whether the Special Officer visited the mufassal towns of Bengal?

(*c*) If so, will the Hon'ble Minister be pleased to state whether any of the inferior employees of the mufassal town were granted interviews by him?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Between the 2nd May, 1940 (the date of his appointment), and the 30th November, 1940 (the date on which he submitted his report), the Special Officer drew Rs.697-14 as travelling allowance and Rs.11,596-12 as salary. During this period he was also engaged in other enquiries on labour matters.

(*b*) and (*c*) Yes.

Message.

The Secretary then read out the following message received from the Bengal Legislative Council:—

"That the Bengal Touts Bill, 1940, is passed by the Bengal Legislative Council with amendments at its meeting held on the 12th August, 1941, and that the concurrence of the Assembly be asked for the amendments which have been printed and circulated to the House."

GOVERNMENT BILL.

The Bengal Raw Jute Taxation Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Bengal Raw Jute Taxation Bill, 1941, as reported by the Select Committee, be taken into consideration.

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to move, by way of amendment, that the Bill be recommitted to the same Select Committee.

Mr. Speaker, Sir, while going through the various provisions of this Bill this morning, I was reminded of a story——

Mr. SPEAKER: I am also reminded of a story. I hope you will not mind it. There are very important discussions going on amongst all parties for a settlement, and I would beg of the House to confine the debate as briefly as possible to the points which are really in issue. You will please confine yourself to the point as to why this Bill should go to the same Select Committee.

Mr. SYED JALALUDDIN HASHEMY: Let us postpone to-day's programme.

Mr. SPEAKER: After all the parties are agreed, I am prepared to finish this matter as quickly as possible.

Mr. SASANKA SEKHAR SANYAL: We shall only give points.

Mr. SYED JALALUDDIN HASHEMY: While going through the different provisions of this Bill, I was reminded of a story. A beggar in his usual round of begging accidentally came across a big man's place. Sir, unfortunately for the beggar that big man had a very ferocious Alsatian dog and that dog was not in chain at that time. The dog fell upon the unfortunate beggar and in his fear he shouted "ভিক্ষার দরকার নাই, আমায় ছেড়ে দাও বাবা।"

Sir, the Hon'ble Minister who has just asked us to consider this Bill has said in the Statement of Objects and Reasons that this taxation measure is necessary for the purpose of carrying out measures for the stabilisation of jute prices and for furthering the interests of the growers of jute in the province and of the industry generally. Sir, the condition of the poor jute-growers of Bengal is not unknown to you and to the members of this House. They have undergone much trouble in the past——

Mr. SPEAKER: What has that got to do with the reference to the Select Committee?

Mr. SYED JALALUDDIN HASHEMY: I would ask the Hon'ble Minister not to trouble the poor cultivators any further.

Mr. SPEAKER: Therefore it should go back to the Select Committee. Let us therefore have some redemption also. Is that your point?

Mr. SYED JALALUDDIN HASHEMY: This is an indirect way of opposing this Bill. I submit that we are not prepared to support any measure that will tax raw jute. I gave my reasons in my previous speech very clearly and this time I shall not repeat my previous arguments. From my experience, Sir, I have studied the trouble of the jute-growers of Bengal. To-day, in reply to the unstarred question No. 51, the Hon'ble Mr. Tamizuddin Khan has given us a picture of the exploitation of the cultivators by the Chief Inspector, Inspectors, Assistant Inspectors and Preliminary Jute Assistants and others. Sir, the money that has been spent on these employees is from the revenues of this province. The net result of these appointments and particularly the regulation is that these cultivators had to wait days together and walk a distance, an average distance, of 8 or 10 miles a day to see the Range Inspector or the Director of Land Records going from place to place. Now they have got their licence. The Hon'ble Minister has come forward with a Bill again to stabilise the jute prices and for furthering the interests of the jute-growers. He has not given us any definite idea as to what interests will be furthered by taxation. He wants Rs. 50 lakhs or more or less by this taxation. But he has not given us any definite scheme to show how he intends to further the interests of the jute-growers. Sir, to my mind—not only to my mind but also to the mind of others of my way of thinking—it is absolutely beyond the range of the Government of Bengal to do any the least good to the growers of jute of Bengal. If any good can be done to these poor cultivators of Bengal, it can be done by the peace proposals of Mr. Churchill and President Roosevelt or by Hitler.

Mr. SPEAKER: So, the Bill should go to the Select Committee!

Mr. SYED JALALUDDIN HASHEMY: The answer is that there will be free trade and some regulation of raw materials all over the world and that will include the raw jute of Bengal. Sir, if the peace proposals of Mr. Churchill and President Roosevelt materialise I am sure that the cultivators of Bengal, I mean the jute-growers of Bengal, will be benefited. When the sea will be opened and when the raw materials will be open to competition, there will be lots of purchasers throughout the world and then and then alone the jute-growers can be benefited or as I have suggested, if Hitler's new order comes——

Mr. SPEAKER: I am sorry, Mr. Hashemy, you are going beyond the scope of your amendment.

Mr. SYED JALALUDDIN HASHEMY: Sir, that is my conviction.

Mr. SPEAKER: I have got certain convictions of mine and one of the convictions is that you must be relevant. I do not want to shut you out, but you should confine yourself to the point under discussion.

Mr. NIHARENDU DUTTA MAZUMDAR: You asked for points and here is a point.

Mr. SYED JALALUDDIN HASHEMY: My honest belief is this. If this tax is realised from shippers and occupiers of mills, ultimately the growers' interests will be jeopardised. These shippers and occupiers of jute mills are an intelligent set of people. They know their business. Can anybody in this House tell me that these shippers and owners of jute mills have so long run their business at a loss? Sir, no auditor, no accountant, nobody can say that they have undergone any loss in this business. If any actuary is appointed by the Hon'ble Minister, he will find that invariably dividends that have been given by the shippers, dealers and millowners have exceeded at least 33½ per cent. every year. They have never been and will never be losers. Sir, the purpose for which I am asking the Hon'ble Minister to recommit the Bill to the same Select Committee is that he may raise the amount of tax proposed.

Mr. SPEAKER: We are so relieved to hear that.

Mr. SYED JALALUDDIN HASHEMY: He has proposed a tax of 2 annas per maund of jute purchased by the shippers and occupiers of mills. I suggest, as has been suggested by some of my friends, that it should be raised to 8 annas or as some have suggested that it should be raised to 4 annas per maund. That will mean something. Even if

that is raised, the shippers and occupiers of mills will not hesitate to submit to this proposal. In the Statement of Objects and Reasons, he has also mentioned the interests of the jute industry generally. But he has not said anything to show how much out of the tax collected will go to do good to the jute industry generally. If some amount had been earmarked for that purpose, we could have understood the position of the jute-growers of Bengal. That has not been done. Here is a loop-hole for doubt, misunderstanding and misgiving. That should also be cleared up, what he means by improving the jute industry generally. The jute industry does not require any improvement from the Government of Bengal. They are self-sufficient and they can improve their industry in their own way. This idea should be removed from the mind of Government of doing good to the jute industry generally. Sir, there are other provisions in this Bill which require revision, reconsideration and alteration. Therefore, Sir, I suggest that this Bill should go again to the same Select Committee, so that they may reconsider our view-point and submit their report by 30th March, 1942.

With these few words, Sir, I commend my motion to the acceptance of the House.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, I rise to support the motion of my friend Mr. Syed Jalaluddin Hashemy.

Mr. SPEAKER: I hope you will be brief.

Mr. NIHARENDU DUTTA MAZUMDAR: I shall confine myself only to the points that have emerged from the Select Committee's report. I rise to support the motion of my friend Mr. Syed Jalaluddin Hashemy for the recommittal of this Bill to the same Select Committee. Now that the report of the Select Committee is before the House, it is interesting to note that in the report have spoken in perfect unanimity with the Hon'ble Minister the representatives of the European Group, some of the Indian merchants and so on and so forth. We find that out of ten members the following have been in perfect unanimity with regard to this Bill:—The Hon'ble Minister, Mr. Kennedy, Mr. Walker, Mr. Rahman, Mr. Abdul Karim and Mr. Ispahani; but a note of dissent has come from four other members. In Mr. Khaitan's note of dissent he simply says "I reserve the right to move amendments in the Assembly". He does not give us any idea or any points on which he gives his note of dissent. He simply reserves his right to move amendments. It appears to me that Mr. Khaitan has been practically neutralised and has not anything concrete to say about any point of dissent which he should like to bring forward before the House straightaway. Sir, it indeed raises an apprehension when we find such a chorus of unanimity among those who have actually agreed on the Bill.

Sir, the tax is sought or is claimed to be imposed on the industrialists, on the jute mills at the mill gate. The raw jute is to be taxed. That has been the claim of the Hon'ble Minister in charge and he has through that means tried to assure the House and the country that it is not really going to be a tax imposed on the jute-growers; it is going to be a tax imposed on the industrialists and to be confined to the industrialists, and, Sir, he has in his inimitable way given us a very bright promise of how this tax is intended to benefit the jute-growers with a view to devise measures for the stabilisation of jute prices. But there is not the slightest reference as to how jute prices are going to be stabilised, on what principle are jute prices going to be stabilised, nor has that been worked out in advance, nor have the peasants been assured that they are going to get an economic, reasonable price for their produce. After having assured that price to the jute-growers, the tax might be imposed on the industrialists, or, in other words, the jute manufacturers, so that it might not be shifted on to the growers in any case.

Sir, in drawing the attention of the House to the minutes of dissent, I should like to refer to Mr. Shahedali's minute of dissent which has raised very pertinent points of objection, which no one in this House can afford to overlook. Mr. Shahedali in his minute of dissent has pointed out straightaway that in the first place coupled with the fact that there is no minimum price guaranteed for the jute-growers, there is not even a guarantee that this tax will not be shifted on to the jute-growers ultimately. The same apprehension has been expressed by Mr. Mafizuddin Ahmed in his minute of dissent and also the question of price has been raised by Mr. Jagat Chandra Mandal in his minute of dissent too.

Now, Sir, from these we find that all those who have raised their objections have done so on the very forceful points, points which are inter-connected, namely, the necessity of fixing up a minimum price of jute before the tax is imposed and that of the guarantee that the tax cannot by any means be shifted on to the backs of the jute-growers. In the absence of these two assurances and guarantees I think that it is quite legitimate and natural to raise the apprehension that this tax will ultimately go on to the jute-grower.

Here I would draw your attention, Sir, to one contention which Mr. Shahedali sought to make out in his minute of dissent, namely, that the question of jute prices, as now recognised by the Government, is of such paramount importance that it is worth while getting funds out of the general revenues of the province after a carefully thought-out measure has already been devised with a view to secure higher and economic prices for jute. The Hon'ble Minister has refrained from doing anything of the kind beyond giving a very very vague assurance and promise which by itself means nothing.

Now, Sir, I should like to suggest this. If it were really the intention of the Hon'ble Minister to tax the jute industrialists with a view to secure funds for the purpose of working out measures for regulating the price of jute and giving a better price of jute to the jute-grower, then I think the Hon'ble Minister would have done better to impose a tax on the jute industrialists, on the profit that the jute industry is making to-day. By imposing a tax on the reserves which the jute industrialists have actually built up,—starting with very small capital comparatively speaking, making enormous profits and thereby creating reserves,—ample funds might be obtained. The mills to-day are making a big profit. If a tax was imposed on the gross output of the industry, then, Sir, I think much larger funds would have been available not only for devising effective measures for the regulation of jute price, but also for what is most essential, the Hon'ble Minister might have got enough funds to build warehouses in all the countrysides and to build up some sort of jute marketing banks or jute marketing funds for the purpose of giving advances to the jute peasants and enabling them to hold on their jute crop in the warehouses until the market would be compelled to give a proper price for the jute that it wanted. Sir, there was a very very feasible method of getting funds and also of devising ways and means for securing better price of jute, but that course has not been adopted. If that course had been adopted there would have been no apprehension whatsoever of a tax on raw jute being put on to the backs of the jute-grower. Besides, the other purposes which the Hon'ble Minister has been professing would have been fulfilled well enough. From these considerations, if you will just bear with me a little more patiently, it can be contended that this Bill, as it is to-day, is full of very great dangers, dangers for the jute growers and the peasantry in general and instead of allaying any of the fears it makes the difficult situation to-day all the more worse. Therefore, our proposal for recommitting the Bill to the Select Committee supported by the minutes of dissent can, I think, deserve better consideration from the Government, because the Select Committee can get an opportunity also to get from the Hon'ble Minister a more detailed proposal and plan as to how he is going to guard against the possibility of this tax being put on to the jute-growers and by precisely what measures he is going to help the sustaining and holding power of the jute-growers. And if the Hon'ble Minister were in a position to give those two assurances before this House, I think his laudable object of trying to raise funds by taxation at the same time sparing the tenants, as he professes to do, would get universal support from the House. But in the absence of those vital assurances on these important and decisive points, I think this Bill raises very legitimate and natural fears and must be opposed at the present stage. To give the Government an opportunity really to work out reasonable and practical schemes and measures and also to get

these necessary assurances the Bill should be recommitted to the Select Committee. Let the Government apply its mind and come before the House with well thought-out plans and schemes on both these points and get universal support for this measure.

I, therefore, support Mr. Hashemy's motion.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am sorry to find that the speech with which I heralded this measure as well as my speech in reply have been forgotten by the honourable members. In that speech I made it quite clear that we propose to stabilise prices by means of regulations of sowings as well as by making provision for giving more holding power to the agriculturists. Now, Sir, I realise that the amount of taxation that has been put in is indeed very little. Two annas per maund will not be able to achieve the object in any very large measure. We need considerably more sums and I feel a certain amount of gratefulness for those members that have suggested that we should impose a tax of 4 to 8 annas on every maund of jute so as to secure for Government substantial sums with which we can embark on a large policy for securing to the agriculturists better holding power. But the fact is that we have not made any experiments in this direction, and I think that it will be a grave error on the part of the Assembly to place money in the hands of Government to such an extent that Government may be tempted to fritter it away on measures which have not been properly thought out. I think, Sir, that the amount of money we have asked for is sufficient for our regulation purposes and will enable us to make small experiments, so that thereafter, after we have succeeded in getting the jute-growers to associate together, to standardise their jute and bring good jute in the market in the form in which the buyer wants it, to give them sufficient holding power by means of warehouses and advances, after we have succeeded in these measures, after the plan has been thoroughly worked out, we can spread it throughout Bengal, but until we have seen what the snags are, I do not think it will be wise to impose any large measure of taxation.

Sir, some honourable members have stated to-day that they object to taxation on jute—I think Mr. Hashemy said it. When, however, I was piloting the Sales Tax through this House, there was a demand from every part of the Assembly, that jute should be taxed and I think that members of the party to which Mr. Jalaluddin Hashemy belongs also voiced that view. Then it is stated that fixation of a minimum price for jute must precede taxation. I have already pointed out that without standardisation of jute and of weights and measures, without fixation of grades and quality, without various other measures which we shall have to take, this is impossible. But if we take these measures, we are within a measurable distance of it

and the fixation of minimum price of jute which was impossible before regulation is now a possibility, but not at this stage. We shall have to work out our schemes at first, and it is possible that if in the process we have been able to strengthen the hands of the cultivator, it may not be necessary to impose minimum prices with all the concomitant difficulties of administering such a regulation.

Mr. Niharendu Dutta Mazumdar forgets that the power of Government to levy tax is somewhat limited and I have very grave doubt whether this Government can impose any tax on the reserves of various jute mills; if we can impose such a tax, I shall be only too glad to impose it, because I would like money from all sources in order to build up our finances, but for the time being I am afraid we shall have to be content with this present tax.

Sir, I reiterate once again that the question whether the tax will fall on the cultivator cannot be solved by merely repeating one's conviction that the jute-grower will have to pay the tax whatever happens, a conviction largely tinged by one's proclivities and not by a dispassionate and critical examination of the economics of the trade. It is an economic truth that the tax will not fall on the jute-growers but will be borne by all persons engaged in the industry, including the foreign consumer, according to the pressure and interplay of supply and demand.

One word more, Sir, regarding the expression "jute industry" in the Bill and I have finished. By "jute industry" we do not refer only to the mills. By "jute industry" is meant the entire business of jute from the jute-grower up to the export market and beyond, and it is intended to spend the proceeds of the taxation in some measure at least, for the benefit of the jute industry as a whole.

The motion of Mr. Syed Jalaluddin Hashemy that the Raw Jute Taxation Bill be recommitted to the same Select Committee, was then put and a division taken with the following result:—

AYES—41.

Abdul Wahed, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Barma, Babu Prombari.
Barma, Mr. Pusapajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chakraborty, Babu Narendra Narayan.
Chaudhuri, Rai Narendra Nath.
Das, Mr. Monmohan.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. J. N
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishita Nath.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Munirazzaman Islamabadi, Maulana Md.
Naqbul Hosain, Mr.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.

Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Waliur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—97.

Abdul Hafiz, Mr. Mia.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Majid, Mr. Syed (Noakhali).
Abdul Motaleb Malik, Dr.
Abdul Wahab Khan, Mr.
Abdulla-al-Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abdur Rauf, Khan Bahadur Shah (Rangpur).
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D., C.I.E.
Griffiths, Mr. C.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hayweed, Mr. Rogers.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Dr. (Bogra).
Mafizuddin Ahmed, Maulvi (Tipppera).
Mahtab, Maharajkumar Uday Chand.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Sulaiman, Khan Bahadur Maulvi.
Mukerjea, Mr. Taraknath, M.B.E.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nooruddin, Mr. K.
Pettinger, Mr. G. U.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sen, Jogesh Chandra, Rai Bahadur.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Speller, Mr. J. A.
Stark, Mr. A. F.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin, Khan, the Hon'ble Mr.
Tapuriah, Moogtu Lall, Rai Bahadur.
Tofel Ahmed, Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.

The Ayes being 41 and the Noes 97 the motion was lost.

The motion of the Hon'ble Mr. H. S. Suhrawardy that the Bengal Raw Jute Taxation Bill, 1941, as reported by the Select Committee be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 2 (*2*)——

Mr. SPEAKER: Mr. Biswas, have you seen where the word "jute-mill" occurs in the Bill?

Mr. SURENDRA NATH BISWAS: It occurs in section 2, sub-clause (*3*) and in section 4.

Mr. SPEAKER: Let us see. You visualise a jute-mill where there will be a warehouse which will not be a mill but which will still have the jute purchased in store.

Mr. SURENDRA NATH BISWAS: Sir, under clause 3 a tax will be levied on every maund of raw jute purchased by the occupier of a jute-mill. Now, the word "jute-mill" is defined as a factory under the Factories Act. I want it to include the warehouse.

Mr. SPEAKER: I understand that. Suppose a jute-mill purchases raw jute and stocks not in its warehouse but in some other place.

Mr. SURENDRA NATH BISWAS: I am not concerned with that. If the jute-mill purchases jute, the tax will be levied on its purchase. It does not matter where the jute-mill stores it.

Mr. SPEAKER: Then, where is the necessity of your amendment?

Mr. SURENDRA NATH BISWAS: My point is that the words "occupier of a jute-mill" shall mean the occupier of a warehouse where jute is stored after it is purchased.

Mr. SPEAKER: No.

Mr. SURENDRA NATH BISWAS: The jute-mill will include a warehouse.

Mr. SPEAKER: So that the position comes to this. If I purchase jute and keep it in your warehouse, you will be liable to pay the tax.

Mr. SURENDRA NATH BISWAS: No. The tax shall be levied on jute purchased by the occupier.

Mr. SPEAKER: No. You have not got anything to show that it means that.

Mr. SURENDRA NATH BISWAS: Sir, the word "occupier" is also defined. Under sub-clause (*3*) of clause 2, occupier of a jute-mill means the person who has ultimate control over the affairs of the jute-mill.

Mr. SPEAKER: I have gone through it very carefully and I feel that this amendment is unnecessary.

Mr. SURENDRA NATH BISWAS: Why I want it, I shall make it clear. I want that the tax should be levied on jute purchased by the trader who stocks it in his warehouse after purchase. That is my object in view. A trader purchases jute and stores it in a warehouse. That is what is done generally. I want that Government should have power to levy the tax on jute purchased not only by the jute-mill but also by the trader.

Mr. SPEAKER: So that it will come to treble taxation.

Mr. SURENDRA NATH BISWAS: No, Sir. The Hon'ble Minister in the Statement of Objects and Reasons has stated "In the course of its progress from the grower to the ultimate consumer in Bengal,.....the intention is that only one such sale or purchase shall be liable to the tax". There is a clause to that effect, to which I want to draw your attention. That is the sub-clause (*2*) of clause 3.

Mr. SPEAKER: Your amendment, if carried, means that so far as the Bill is concerned, all raw jute which is not consumed by the jute-mill or sent out for consumption within the villages will have to pay this tax.

Mr. SURENDRA NATH BISWAS: Yes.

Mr. SPEAKER: Your amendment also means that the amount of jute which Government has kept free for local consumption by the cultivator will have to pay the tax.

Mr. SURENDRA NATH BISWAS: The local consumption is very insignificant.

Mr. SPEAKER: You will have to pay the tax.

Mr. SURENDRA NATH BISWAS: I was going to say that local consumption of jute is very insignificant. It is about 5 lakhs of bales only. It will not be taxed unless it is purchased from the trader. The cultivator does not purchase jute nor does he possess a warehouse. It is the trader who purchases jute and stocks it in his warehouse. If my amendment is accepted, the jute purchased by the trader will be liable to be taxed. Now, Sir, in sub-clause (2) of clause 3, you will find that no tax shall be leviable on any raw jute in respect of which such tax has already been paid. If the jute purchased by a trader is once taxed that jute will not be liable to a further tax when purchased by the mills under sub-clause (2) of clause 3. So, there is no fear of double taxation.

Then, Sir, what are the reasons for which I have moved this amendment? My reasons are these. Government want to raise Rs. 50 lakhs every year. Now, in order to raise Rs. 50 lakhs at the rate of 2 annas per maund, Government require at least 80 lakhs of bales of jute to be taxed. During the last year what happened? Not more than 55 lakhs of bales were purchased by the jute-mills and shippers together and about 60 lakhs of bales were purchased by the traders and kept stocked in their warehouses. So, had this law been in force last year, Government could not raise this fifty lakhs of rupees by taxing raw jute purchased by the mills and the shippers. But I want that Government may get the full amount of this tax every year. They may get it by taxing raw jute purchased by the shippers as well as the mills, if they purchase sufficiently, but if they do not purchase sufficiently, as they did not last year, owing to many causes—owing to war and other causes—and jute purchased and stored in the godowns or warehouses of the middle men and traders here in Calcutta or in the mufassal, is not taxed, then Government will not be able to raise the sum of rupees fifty lakhs which, they say, they require every year for meeting the expenses for stabilising jute prices and other purposes.

Mr. SPEAKER: I am sorry I have to interfere again. Your language is not clear. "After it is purchased" by whom?

Mr. SURENDRA NATH BISWAS: Purchased by the occupier of a mill or the occupier of a warehouse.

Mr. SPEAKER: You nowhere mention it. Your "jute-mill" means a factory and includes a warehouse where raw jute is stored after it is purchased. Therefore, it follows that a mufassal man who stores jute after purchase becomes a jute-mill by your definition.

Mr. SURENDRA NATH BISWAS: Yes, Sir.

Mr. SPEAKER: I am sorry I will have to declare it out of order unless you can satisfy me.

Mr. SURENDRA NATH BISWAS: Sir, you have asked me who will pay the tax.

Mr. SPEAKER: My question is, as your definition stands "jute-mill" means a warehouse where raw jute is stored after it is purchased. Therefore, if you have got a store in Madaripur for taking jute to Calcutta, that is a jute-mill within this definition.

Mr. SURENDRA NATH BISWAS: A warehouse becomes a jute-mill according to my definition.

Mr. SPEAKER: I have heard you very carefully, but I am sorry I have to declare it out of order.

Mr. SURENDRA NATH BISWAS: Under clause 3 the tax will be leviable on raw jute purchased by the occupier of a jute-mill. If I am the occupier of that jute-mill or rather the occupier of the warehouse where jute is purchased, let me pay the tax. It does not matter to Government. It does not matter to anybody.

Mr. SPEAKER: It matters very much as to who is to pay. The whole scope of this Bill is that it must be paid at the metropolitan centre, in other words, by the man who deals directly with the mills either by purchase or by shipping and this scope has left out altogether the mufassal area. I am sorry I have to declare this motion out of order.

Mr. SURENDRA NATH BISWAS: Sir, it is an enabling clause. It does not make it compulsory on the part of Government to raise the tax from the purchasers in the mufassal.

Mr. SPEAKER: I am sorry it is out of order.

Mr. Abul Fazl, your amendment No. 4 is absolutely badly drafted. How do you mean to say that "purchased" means "acceptance of contract of sale"?

Mr. MD. ABUL FAZL: I mean to include forward sale.

Mr. SPEAKER: But your draft does not mean that. I am sorry it is out of order.

Mr. NISHITHA NATH KUNDU: Sir, may I ask one point of information? How is "purchased" to be defined? It is very important because on purchases the tax will be levied.

Mr. SPEAKER: I could have understood if my friend had drafted, "purchased" means purchased, delivered and accepted or entered into a contract for the same purpose or something like that, but his amendment suggests "purchased" means acceptance of contract of sale—one is a verb and another is a noun.

Mr. SYED JALALUDDIN HASHEMY: Sir, may I be permitted to give a short-notice amendment in the same language as you have just said?

Mr. SPEAKER: No, no. Please devote a little more care when you draft your amendments.

Mr. SASANKA SEKHAR SANYAL: In view of the importance of the definition of the word "purchased", I think you will kindly allow an amendment to convert the noun into a verb.

Mr. SPEAKER: I am sorry.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 2 (7), in line 4, after the word "Bengal" at the end, the words "and includes such agent" be added.

Sir, my object is to make the agent of the shipper also liable to pay the tax. The definition of "shipper of jute" must include the agent of the shipper of jute. The reason why I have put this amendment is this. Suppose one person does his business from Assam. He appoints an agent here in Calcutta to despatch jute from the Calcutta port or Chittagong port. Now, the shipper of jute, as defined here, means any person who purchases raw jute and supplies it himself or by an agent to any person including himself outside Bengal, that is the words "shipper of jute" do not include the agent who is stationed within Bengal. If a person despatches jute from Bengal by his agent either from the port of Chittagong or Calcutta and does not reside in Bengal, still he will be the shipper of jute according to this definition, and not his agent. I want to include that agent who works here in Bengal within the definition of "shipper of jute," otherwise it will be very difficult to realise the tax from the shipper of jute if he resides outside Bengal. That is the reason for which I have moved this amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, Mr. Biswas's amendment meant that the purchasers were being taxed. But this is a tax on purchases and it does not matter whether the man is in Bengal or whether he is in Asam. That jute which has been purchased will be taxed.

The motion of Mr. Surendra Nath Biswas that in clause 2 (7), in line 4, after the word "Bengal" at the end, the words "and includes such agent" be added, was then put and lost.

The question that clause 2 stand part of the Bill was then put and agreed to.

Clause 3.

Mr. SURENDRA NATH BISWAS: Sir, regarding amendments No. 19 and 20 I understand that your department is trying to get the recommendations. So, will you kindly hold them over?

Mr. SPEAKER: How can it be? It may be passed over. However, let us see.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 3 (*1*), lines 4 and 5, the words "purchased and despatched outside Bengal by any means of transit" be omitted.

Sir, if these words are omitted, the clause will read as follows: "Except as otherwise expressly provided in this Act, there shall be charged and levied a tax of two annas on every maund of raw jute purchased by the occupier of a jute-mill or by a shipper of jute and such tax shall be payable to the Provincial Government by the occupier of every jute-mill and by every shipper of jute." Sir, I do not only want to tax jute purchased and despatched outside Bengal, but I also want that raw jute purchased——

Mr. SPEAKER: You want to tax jute purchased and despatched outside Bengal by any means of transit?

Mr. SURENDRA NATH BISWAS: Yes, Sir. But I also want to tax jute which is purchased, but not despatched. If my amendment is accepted the clause will read: "levied a tax of two annas on every maund of jute purchased by the occupier of a jute-mill and by a shipper of jute". Supposing, Sir, a shipper purchases jute, but he does not despatch it. Should he not pay the tax?

Mr. SPEAKER: Supposing that before it is despatched it is burnt, he must pay the tax. Is that your point?

Mr. SURENDRA NATH BISWAS: Yes, Sir, that is my point.

Mr. NISHITHA NATH KUNDU: Sir, may I say a few words? I want to draw your attention to paragraph 4(*b*) of the Statement of Objects and Reasons. It has been stated there: "For practical reasons and for administrative convenience it is proposed to tax only what may be called the 'final' transaction. That is to say, to impose and collect the tax at the stage where it is delivered to the shipper in the form of 'pucca' bales for supply to consumers overseas". By including those words, namely, "purchased and despatched outside Bengal by means of any transit", the sponsor of the Bill has overlooked the statement made in the Statement of Objects and Reasons. I have doubts whether the insertion of these words is within the scope of the Bill in view of the statement made in paragraph 4 (*b*) of the Statement of Objects and Reasons.

Mr. SPEAKER: What is not within the scope of the Bill?

Mr. NISHITHA NATH KUNDU: The inclusion of the words "purchased and despatched outside Bengal by any means of transit". I draw your attention, Sir, to paragraph 4 (*b*) of the Statement of Objects and Reasons

The Hon'ble Mr. H. S. SUHRAWARDY: May I point out, Sir, that this insertion is consequential on the definition of the words "shipper of jute" as amended?

Mr. NISHITHA NATH KUNDU: But it is beyond the scope of the Statement of Objects and Reasons. It says that you might impose and collect the tax at the stage where it is delivered to the shipper in the form of "pucca" bales for supply to consumers overseas. The tax will be levied at that stage where it is delivered to the shipper. It does not depend on the condition that it may be despatched overseas.

Mr. SPEAKER: The Statement of Objects and Reasons says that for practical reasons and for administrative convenience it is proposed to tax only what may be called the "final" transaction. The tax can be imposed at the stage where it is delivered to the shipper in the form of "pucca" bales for supply to consumers overseas.

Mr. NISHITHA NATH KUNDU: Sir, no question of despatching the purchased goods arises, because the intention of the Legislature was to levy tax on purchase, but by inclusion of those words you cannot levy the tax unless it is despatched.

Mr. SPEAKER: No. I must know what is substantial purchase. Take a man who purchases merely for the fun of it but who does not despatch. Anyway, I hold that this is within the scope of the Bill.

Then as regards amendment No. 23-25, it is not in order. The Bill has nothing to do with minimum price. You can reject the Bill but you cannot put in a new clause.

Amendment No. 26, 27 goes beyond the scope of the Bill, because if you want to ensure that the occupier of a jute-mill shall not lower the price of raw jute you must provide the machinery to determine that. Supposing this amendment is passed, the mills may say: "We have not lowered the price". Where is the machinery to determine that?

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that clause 3 (*3*) be omitted.

Sir, sub-clause (*3*) of clause 3 says: "No tax shall be leviable under this Act on any raw jute purchased under a contract entered into before the date of commencement of this Act". I want to delete this sub-clause. This does not affect the position of anybody.

I also beg to move that in clause 3, for sub-clause (*3*), the following be substituted, namely:—

> "(*3*) No tax shall be leviable under this Act on any raw jute purchased by the occupier of a jute-mill whose number of working looms does not at any time exceed one hundred."

I further beg to move that in clause 3 (*3*), after the word "Act" in line 3, the following words be added, namely:—

> "or on any raw jute purchased by the occupier of a jute-mill whose number of working looms does not at any time exceed one hundred."

Sir, I want to delete sub-clause (*3*) of clause 3, so that the tax may be levied on the jute to be purchased by the mills or the shippers after the commencement of the Act although the purchase might have been made in accordance with a contract entered into previously.

Mr. SPEAKER: In other words a man enters into a forward contract six months before saying that he will purchase six months after. And then a liability is imposed upon him and he is told that he must pay this tax. Is it fair?

Mr. SURENDRA NATH BISWAS: Why not, Sir? I shall submit my reasons. If it is not fair, does the Hon'ble Minister intend that this tax will be pushed backward to the jute-grower?

Mr. SPEAKER: That is also unfair.

Mr. SURENDRA NATH BISWAS: I understand, Sir, that the jute-mills have agreed to pay this tax, because the amount of tax is very insignificant, so much so that it will not hurt them. I shall also show it by facts and figures. Sir, this 2 annas per maund is nothing to the jute-mills or jute shippers, because the price of hessian to-day will be about Rs. 20 per hundred yards.

Then, Sir, 100 yards of hessian can be manufactured out of a maximum of 25 seers of jute and these 25 seers of jute can be purchased——

Mr. SPEAKER: Your argument is that the jute-mill should be benevolent enough to pay this tax.

Mr. SURENDRA NATH BISWAS: Of course. If they pay 2 annas on every maund of raw jute they will purchase from now, it will show their generosity towards the jute-growers.

Mr. SPEAKER: I agree with you. Is it right that a State knowing full well that a contract has been entered into some months before without knowing the implications of this legislation should impose the tax?

Mr. SURENDRA NATH BISWAS: Supposing the law had been in force one year earlier?

Mr. SPEAKER: That is a different matter. Not knowing within six months you are going to levy a tax, they have entered into a contract which they have a right to. On principle, it will not be wise to give retrospective effect.

Mr. SURENDRA NATH BISWAS: We accept that principle. But we have found that this House voted for provisions to give retrospective effect in the past when the Money-lenders Bill was discussed and when the Agricultural Debtors Amendment Act was also discussed. The sanctity of law has been trampled upon in this House many a time in the past.

Mr. SPEAKER: I don't justify the past. I have tried to warn the House before and I warn now that it is wrong for the legislature to impose a liability on transactions with retrospective effect, unless it is absolutely essential.

Mr. SURENDRA NATH BISWAS: The case is not similar here. The jute-mills will have to pay the tax on jute purchased by them after the commencement of this Act, though the contract for purchase was entered into earlier, say, at the end of the last year. They will have to pay 2 annas per maund on their future purchases. If they purchase the jute under contract entered into after the commencement of this Act, then also they will have to pay the tax of 2 annas per maund over and above the price at which they would purchase. That is the position I want. Now, Sir, if this sub-clause is deleted——

Mr. SPEAKER: I am also doubtful whether under the Government of India Act you can really abrogate the contracts entered into under the Contracts Act.

Mr. SURENDRA NATH BISWAS: This does not affect the contract. Suppose a person now enters into a contract to buy jute at certain prices. This tax has no relevancy with regard to that contract. This tax is something extra paid by the purchaser. It has nothing to do with the contract. All the mills and shippers know that this is absolutely outside the scope of the contract. If they argue that "had we known this we would have purchased at 2 annas less per maund when we had entered into the contract previously," then it means that they want that this 2 annas should be pushed back to the jute-grower. That was the thing which we on this side of the House apprehended. When it has been agreed to by the mills and shippers and the Hon'ble Minister has also assured the House that this tax will not be pushed back to the jute-grower, where is the relevancy of the argument that the contract will be violated or that they will be injured because they have already entered into a contract at a fixed price. This tax has no connection with the rate at which they have agreed to purchase. I hope the amendment will be accepted. If, however, this amendment is not accepted, let the words in my amendment No. 33 be added to sub-clause (2). The provisions of sub-section (2) of section 3 will then mean that no tax shall be levied on any raw jute purchased by the occupier of a jute-mill whose number of working looms does not at any time exceed one hundred. This is to my mind a reasonable and plausible amendment to sub-clause (2).

Mr. SPEAKER: How many mills are there of that kind?

Mr. SURENDRA NATH BISWAS: There are a small number of mills, 3 or 4 like that. This will encourage the development of indigenous jute-mill industry. It is for that purpose I have put in this amendment. Small Indian millowners whose number of looms does not exceed 100 at any time should not pay the tax.

Mr. SPEAKER: You cannot move your amendment No. 34.

Mr. SURENDRA NATH BISWAS: I have got something to say on that point.

Mr. SPEAKER: On what point?

Mr. SASANKA SEKHAR SANYAL: I have heard you with attention and with great respect to you, may I point out to you the danger to which this Act will be exposed if the contention of my friend is not accepted? With regard to the question of principle of giving retrospective effect, I shall not make my comments now, although, Sir, as my friend has already said that we have got precedents.

Mr. SPEAKER: I am very sorry there are precedents. I know that.

Mr. SASANKA SEKHAR SANYAL: Precedents are sometimes necessary. For example, when you were in the old Council, the Bengal Agricultural Debtors Act was enacted, and you know, Sir, that in order to defeat the provisions of the Bengal Agricultural Debtors Bill the decree-holders pushed through their executions and hurried their sales and expedited their possessions. The result has been very disastrous.

Mr. SPEAKER: There it was absolutely necessary.

Mr. SASANKA SEKHAR SANYAL: Yes, we were forced to amend the Bill in order to give retrospective effect. Now, Sir, there is some necessity for giving retrospective effect

Mr. SPEAKER: Otherwise they will enter into forward contracts.

Mr. SASANKA SEKHAR SANYAL: The reason is obvious.

Mr. SPEAKER: I am defeated in that argument. I do not want to pass any remarks.

Mr. SASANKA SEKHAR SANYAL: With regard to the taxation of the current year, it is easy to defeat that. To-day purchases will be made and forward contracts entered into but what is more alarming is that if the proprietors of these mills, European and non-European, are so desirous they may enter into a clique and can defeat the object next year. Supposing they enter into a contract, for millions and millions of bales, only a portion of which can be supplied this year and

the balance supplied next year or in the year following, the effect will be this in view of your ruling. Since the motion for recommittal has failed by a specific provision you cannot take away the effect, to quote yourself, by maintaining this sub-clause. You take away the spirit of the law and put the entire legislation at the mercy of these very suspicious mill-owners.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose these amendments.

Regarding the amendment No. 22, *viz.*, suggesting the deletion of the words "purchased and despatched outside Bengal by any means of transit," that is a necessary concomitant to the definition of a shipper and merely reproduces clause 2 (7).

Mr. SURENDRA NATH BISWAS: On a point of information, Sir. Is the Hon'ble Minister giving a reply to all the amendments?

The Hon'ble Mr. H. S. HUHRAWARDY: Yes.

Mr. SURENDRA NATH BISWAS: Then Sir, I have not moved my amendment No. 34.

Mr. SPEAKER: The recommendation of His Excellency the Governor has not come.

The Hon'ble Mr. H. S. SUHRAWARDY: It is not proposed to tax such jute as may be in warehouses but only to tax it if it is sold to the mills, or sold and is being despatched outside Bengal. Hence, Sir, I oppose this amendment.

Regarding amendment Nos. 28-31, it is stated that if we exempt such jute which is under a contract it will lead the jute-mills and the shippers to purchase jute in advance not only for this year but possibly next year. Sir, if this clause is any incentive to the jute-mills and to the shippers to purchase jute now, I shall be most happy because they will immediately for the sake of this 2 annas be pushing up the price by a rupee or two per maund and that will benefit the agriculturists much more than if they were to buy at a later stage. As a matter of fact, I am only too anxious that these people should make their purchases as much as possible at present.

Sir, as to amendments Nos. 32 and 34 I really fail to understand them. Here is Mr. Biswas who is most anxious to tax jute wherever it is available—in the warehouse, amongst shippers who even wish to destroy and won't sell it—and now he wishes to exempt factories that have less than 100 looms. There is no reason why they should be

exempted. They have got other advantages, such as working hours and their overhead costs are less than those of bigger mills, and I see no reason why they should be exempted.

The motion of Mr. Surendra Nath Biswas that in clause 3 (*1*), lines 4 and 5, the words "purchased and despatched outside Bengal by any means of transit" be omitted, was then put and lost.

The motion of Mr. Surendra Nath Biswas that clause 3 (*3*) be omitted, was then put and lost.

The motion of Mr. Surendra Nath Biswas that in clause 3, for sub-clause (*3*), the following be substituted, namely:—

"(*3*) No tax shall be leviable under this Act on any raw jute purchased by the occupier of a jute-mill whose number of working looms does not at any time exceed one hundred",

was then put and a division taken with the following result:—

AYES—36.

Abdul Wahed, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerjee, Mr. Satya Priya.
Barma, Babu Premhari.
Barma, Mr. Puspajit.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.
Chakravarty, Babu Narendra Narayan.
Das, Mr. Monmohan.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. J. M.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Pramanik, Mr. Tarinicharan.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Wallur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—98.

Abdul Hafiz, Mr. Mia.
Abdul Hakim Virkampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Mia).
Abdul Karim, Mr.
Abdul Majid, Mr. Syed (Noakhali).
Abdul Metaleb Malik, Dr.
Abdul Wahab Khan, Mr.
Abdulla-Al Majhmeed, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abdur Rauf, Khan Bahadur Shah (Rangpur).
Abdur Razzak, Maulvi.
Abdus Shahood Maulvi Md.
Abidur Reza Chaudhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahaman Mr. (Mymensingh).
Gladding, Mr. D., C.I.E.
Gomes, Mr. R. A.

Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Haddow, Mr. R. R.
Hafizuddin Choudhuri, Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Khan Sahib Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr. (Bogra).
Mafizuddin Ahmed, Maulvi (Tippera).
Mafizuddin Choudhury, Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Morgan, Mr. G., C.I.E.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Bahadur Maulvi.
Mukerjea, Mr. Taraknath, M.B.E.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Noeruddin, Mr. K.
Norton, Mr. H. R.
Pettinger, Mr. G. U.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sanaullah, Dr.
Sarkar, Babu Madhusudan.
Sen, Jogesh Chandra, Rai Bahadur.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Shamsul Huda, Maulana.
Sirdar, Babu Litta Munda.
Spoller, Mr. J. H.
Stark, Mr. A. F.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.

The Ayes being 36 and the Noes 98, the motion was lost.

The motion of Mr. Surendra Nath Biswas that in clause 3 (3), after the word "Act" in line 3, the following words be added, namely:—

"or on any raw jute purchased by the occupier of a jute-mill whose number of working looms does not at any time exceed one hundred",

was then put and lost.

Mr. SPEAKER: I shall not put clause 3 till the last moment.

Clause 4.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 4, sub-clause (2) be re-instated.

Sir, I want to re-instate this sub-clause, namely, that "no premises constructed or adapted after the commencement of this Act for use as a jute-mill shall be registered without the previous sanction of the Provincial Government".

Mr. SPEAKER: So that no Bengalee will be able to start a jute-mill without Government sanction.

Mr. SURENDRA NATH BISWAS: Neither a Bengalee nor a European. My object, Sir, is to prevent the Europeans more than anybody else, and why? The reasons are very simple. After the last war when a new order was being established——

Mr. SPEAKER: You have some faith in Government still! (Laughter.)

Mr. SURENDRA NATH BISWAS: Yes, Sir; because I am helpless. I may at least request the members of the Coalition Party to put pressure on Government. After the last war, Sir, you know that when a new order was being established many Europeans came to Bengal and started jute-mills. Probably, one-third of the looms which you find now have been established after the last war. Being attracted by the huge dividends that the then jute-mills were fetching to their capitalists, new capitalists came to Bengal and started jute-mills. On the other hand, our indigenous jute industry did not receive any impetus. Neither, has it developed nor prospered. I submit, Sir, that there should be some check to the development in Bengal of the foreign jute industry from Government. That is the object with which I have moved this amendment.

I would urge another point. You know, Sir, that the jute experts who have dealt with the problem of jute have given the opinion that overproduction of raw jute for many years in the past has been due to over-demand for purchase of raw jute, because the number of mills and looms have increased. In order to feed those looms more cultivation of jute was required. That was your opinion, Sir, as far as I remember.

Mr. SPEAKER: I could not have given such a bad opinion as that. (Laughter.) On the other hand, my opinion was that there was no overproduction.

Mr. SURENDRA NATH BISWAS: Sir, I do not exactly remember your opinion. But it was the opinion of the minority group of the Finlow Committee. Their opinion was that the jute-growers were being induced to grow more jute than was required by the world market, and that was why the jute prices fell down. Such a situation was due to the reason that the number of jute-mills and looms had increased and more cultivation of jute was necessary to feed those looms. They, therefore, recommended that the loomage should be reduced.

Anyhow, Sir, I want that after the cessation of the present war when a new order will be established, Government should have some power in its hands to control the development of jute industry in this province. That is the object for which I have moved my amendment.

Sir, I also beg to move that in clause 4, paragraph (*b*) of sub-clause (*4*) be re-instated.

Sub-clause (*4*) (*b*) of clause 4, as it appeared in the Bill, reads as follows: "If the occupier of the jute-mill, having been previously convicted of an offence punishable under clauses (*a*), (*c*) or (*f*) of section 11, is again convicted under any of those clauses" then the registration shall be cancelled. This has been omitted by the Select Committee. I do not find any reason why this sub-clause should be omitted. If jute-mills go on defying the law by not paying the tax after repeated demands, why should those mills or shippers not be penalised? In other Bills, Sir, as passed by this House, such a penal clause has been provided for. I submit, Sir, that this sub-clause should be restored.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, Mr. Biswas is a contradictory person. (Laughter.) He moved amendment No. 32 because he wants expansion, because he wants more growth of small mills and now he comes in and says that no new mill should be put down without the sanction of the Provincial Government.

Sir, I have considered the matter very carefully and I think that the Provincial Government will be very embarrassed if it had to choose whether it should give sanction to mill A, mill B or mill C. I think, Sir, that this power ought not to rest with the Provincial Government, just for taxation purposes.

As regards sub-clause (*4*) (*b*), the reason why this has been omitted is this. Jute-mills or shareholders of jute-mills should not be penalised, merely because the managing agents have not paid the tax. We have altered paragraph 9 which is a penalty clause considerably, and there is no reason why this sub-clause should be retained.

The motion of Mr. Surendra Nath Biswas that in clause 4, sub-clause (*2*) be re-instated was then put and lost.

The motion of Mr. Surendra Nath Biswas that in clause 4, paragraph (*b*) of sub-clause (*4*) be re-instated, was then put and lost.

The question that clause 4 stand part of the Bill was then put and agreed to.

Clauses 5, 6, 7 and 8.

The question that clauses 5, 6, 7 and 8 stand part of the Bill was then put and agreed to.

Clause 9.

Mr. MD. ABUL FAZL: Sir, I beg to move——

Mr. SPEAKER: What is the object of your amendment?

Mr. MD. ABUL FAZL: Sir, I want to put a time-limit for payment of the money.

Mr. SPEAKER: It is already 14 days.

Mr. MD. ABUL FAZL: I want that the time may be extended by the authority.

Mr. SPEAKER: That you can leave to the executive. However, you move your amendment.

Mr. MD. ABUL FAZL: I beg to move that in the 2nd proviso to clause 9 (*1*), in line 3 at the end, after the word "payment" the words "to not more than one month" be inserted.

Mr. SURENDRA NATH BISWAS: Sir, I want to move my amendment No. 42.

Mr. SPEAKER: Do you realise that if a man who is to pay the tax is in Assam, you cannot realise it by a civil suit?

Mr. SURENDRA NATH BISWAS: If it is treated as a public demand, can it not be realised through certificate?

Mr. SPEAKER: No, no.

The Hon'ble Mr. H. S. SUHRAWARDY: In the case of a public demand, you cannot realise by a certificate if the debtor is outside your province.

Mr. SURENDRA NATH BISWAS: Then, Sir, I shall not move my amendment No. 42.

The motion of Mr. Md. Abul Fazl that in the 2nd proviso to clause 9 (*1*), in line 3, at the end, after the word "payment" the words "to not more than one month" be inserted, was then put and lost.

The question that clause 9 stand part of the Bill was then put and agreed to.

Clauses 9A and 10.

The question that clauses 9A and 10 stand part of the Bill was then put and agreed to.

Clauses 10A and 11.

Mr. SURENDRA NATH BISWAS: I want to move my amendment No. 43. The Inspecting Officers will have to disclose the information if the penalty shall be realised.

Mr. SPEAKER: The Local Government will call for returns and get all the information. Do you want to specify this?

Mr. SURENDRA NATH BISWAS: My submission is this.

Mr. SASANKA SEKHAR SANYAL: Now it is prayer time, Sir.

Mr. SPEAKER: You may make your submission after prayer time.

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 10A, the following words, figures and brackets be added at the end, namely:—

"or for the purposes of realising tax under sub-section (2) of section 9."

Sir, if my amendment is accepted, then the disclosure of information for the purposes of realising tax under sub-section (2) of section 9 will not be penalised; otherwise there is every possibility of the disclosure of information as contemplated by clause 9 being penalised. Now, Sir, I find that this tax together with the penalty may have to be realised as land revenue. That means the Inspector, or somebody else, who may be authorised by Government to bring a suit for the purpose of realising the tax and penalty shall have to state in the plaint that the defendant is liable to pay so much penalty on account of his withholding so and so information. Unless such information is disclosed in the plaint for the withholding of which the penalty shall have to be claimed in the plaint, how can the plaint be complete and how can Government realise the penalty by a suit in the civil court? So, I submit, Sir, this is a very

necessary and yet innocent amendment and should be accepted, so that the disclosure of such kind of information in the plaint may not be made subject to penalty.

With these words I commend my amendment to the acceptance of the House.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 11, sub-clause (*fff*) be omitted.

Sir, if my amendment is accepted then the Inspector who may disclose any information in contravention of the provisions of section 10A will not be subjected to criminal prosecution under clause 11 but he may be subject to punishment otherwise. He may be punished departmentally.

Mr. SPEAKER: Mr. Biswas, why are you in sympathy with a man who is entrusted by the State to carry certain very solemn responsibility and who discloses that information?

Mr. SURENDRA NATH BISWAS: What I am afraid of is if the information leaks out, this person who may be innocent will be hauled up.

Mr. SPEAKER: No, no. "Discloses" means that the court must definitely hold that he has disclosed. On mere suspicion nobody can be punished.

Mr. SURENDRA NATH BISWAS: Sir, it requires the oral evidence of one or two persons to say that such and such Inspector disclosed the information. May I ask the Hon'ble Minister whether such a clause is found in the Indian Income-tax Act?

Mr. SPEAKER: I believe there is, I am not sure.

Mr. SURENDRA NATH BISWAS: On a point of information, Sir. May I ask the Hon'ble Minister whether such a clause appears in the Indian Income-tax Act? If it does not—I think it does not contain such a clause—why should this Bill contain such a clause? He may be punished departmentally. If he wilfully discloses an information he ought to be punished; I do not say against that. But I am afraid that the information may leak out and he may be hauled up.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have not quite understood the purposes of these amendments. So far as No. 43 is concerned, namely, that a person may not divulge information except for the purposes of a prosecution under this Act, my friend will suggest

that he should not divulge information except further for the purposes of realising tax under sub-section (2). I do not quite understand the relevancy of it because it is only in the process of realising the tax under sub-section (2) of section 9 that he will obtain the information.

Mr. SURENDRA NATH BISWAS: He will have to state that in the plaint.

The Hon'ble Mr. H. S. SUHRAWARDY: Then, Sir, as regards No. 47, if we do say that a person may not divulge any information, surely if he does disclose any information he ought to be penalised. My friend has just stated—I heard him say—that suppose he divulges it or discloses it through inadvertence, would he be penalised or not? The question is not of inadvertence, it is an absolute prohibition.

Mr. SPEAKER: Under the income-tax Act any person, if he is a public servant, who discloses any particulars contained in any such statement, return, accounts, documents, etc., shall be punishable with imprisonment which may extend to six months, and so on and so forth.

The Hon'ble Mr. H. S. SUHRAWARDY: This is of the greatest importance to protect those whose books of accounts are to be examined.

Mr. SURENDRA NATH BISWAS: In that case I do not press my amendment.

The motion of Mr. Surendra Nath Biswas that in clause 10A, the following words, figures and brackets be added at the end, namely:—

> "or for the purposes of realising tax under sub-section (2) of section 9",

was then put and lost.

The question that clause 10A stand part of the Bill was then put and agreed to.

The motion of Mr. Surendra Nath Biswas that in clause 11, sub-clause (*fff*) be omitted, was then put and lost.

The question that clause 11 stand part of the Bill was then put and agreed to.

Clauses 12 and 14.

The question that clauses 12 and 14 stand part of the Bill was then put and agreed to.

Clauses 15, 16, 17 and 18.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in sub-clause (*1*) of clause 15, in line 1, after the word "may", the words "with the previous sanction of the Provincial Government" be inserted.

Sir, if my amendment is accepted, the clause will read as follows:—

"The prescribed authority may with the previous sanction of the Provincial Government accept from any person charged with any offence punishable under this Act or any rule made thereunder, by way of composition for such offence, payment of a sum of money not exceeding five hundred rupees or double the amount of the tax payable, whichever is greater."

In the Bill this clause authorises a prescribed authority to compromise with the offender. I do not grudge giving the prescribed authority power to make a compromise, but I want to have a check to his power of coming to a compromise, so that he may not be able to abuse that power——

Mr. SPEAKER: "Prescribed authority" means an authority which will be prescribed under the rules and who will be appointed by Government.

Mr. SURENDRA NATH BISWAS: Yes, Sir, "prescribed authority" means an authority who will be appointed by Government with the power to compromise. Now, I want to put a check to that authority, so that he may not abuse his power. This is the only point which is urged in my amendment.

Mr. SPEAKER: Mr. Abul Fazl, what is the meaning of "other charges" mentioned in your amendment?

Mr. MD. ABUL FAZL: "Other charges" mean cost and all that.

Mr. SPEAKER: Where is the "other charges" in the Act? This does not arise.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I think the discretion should be left to the prescribed authority who will be a senior officer of Government, and Provincial Government should not interfere in this matter.

The motion of Mr. Surendra Nath Biswas that in sub-clause (*1*) of clause 15, in line 1, after the word "may" the words "with the previous sanction of the Provincial Government" be inserted, was then put and lost.

The question that clauses 15, 16, 17 and 18 stand part of the Bill was then put and agreed to.

Clauses 19 and 20.

Mr. MD. ABUL FAZL: Sir, I beg to move——

Mr. SPEAKER: What is the meaning of "Provincial authorities"? There is no provincial authority under the Government of India Act. The motion does not arise.

The question that clauses 19 and 20 stand part of the Bill was then put and agreed to.

Clause 22.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 22 (*1*) in line 2 after the word "publication" the words "and having them passed by the Provincial Legislature" be inserted.

Sir, this is an old question and it has been urged many times.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose it.

The motion of Mr. Md. Abul Fazl that in clause 22 (*1*) in line 2 after the word "publication" the words "and having them passed by the Provincial Legislature" be inserted, was then put and lost.

The question that clause 22 stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 stand part of the Bill was then put and agreed to.

Preamble.

Mr. SURENDRA NATH BISWAS: Sir, we have got our amendments to the preamble.

Mr. SPEAKER: They are not in order.

Mr. SYED JALALUDDIN HASHEMY: Sir, amendment No. 60 stands in my name. The preamble runs thus: "whereas it is expedient to provide for the levy of a tax on raw jute

purchased by the occupiers of jute-mills, etc." Sir, the owners have not been made responsible. My apprehension is that there may be some legal difficulty. What is the harm if the words "the owners and" be added.

Mr. SPEAKER: Your point is that owners have not been made responsible. The owners may not be occupiers.

Mr. SYED JALALUDDIN HASHEMY: It may be inserted thus "either owner and occupier or owner or occupier". However, Sir, have no axe to grind. If Government do not agree, I do not press for it.

Mr. SPEAKER: Mr. Biswas, your motion does not arise.

Mr. SURENDRA NATH BISWAS: I am not moving motion No. 61, I shall only move my motion No. 62.

Mr. SPEAKER: How does this arise? Your point is that stablisation of jute prices is to be made by increasing the holding power of its growers. Where does the Act provide for increasing the holding power of the jute-growers?

Mr. SURENDRA NATH BISWAS: It has been proposed in the Hon'ble Minister's speech. In the Statement of Objects and Reasons also I find these words:—"In order to finance the carrying out of measures for the stabilisation of jute prices, the improvement of marketing and generally to further the interests of the jute-growers of the province."

Mr. SPEAKER: Mr. Biswas, you will have to convince me in order to change this preamble that there is something in this Act which necessitates this change directly. Unless you can do that, I cannot allow this amendment.

Mr. SURENDRA NATH BISWAS: Sir, for what purpose has this Bill been brought? In the Bill itself you will find only that provisions have been made for raising tax which will bring in additional revenue to the Government. That is the only thing which has been provided for in the Bill itself. The object of this Bill is, and it has been clearly defined both in the Statement of Objects and Reasons and in the Hon'ble Minister's speech, to improve the marketing condition of jute. When the Hon'ble Minister was questioned by my friend Mr. Niharendu Dutta Mazumdar whether he meant to utilise this money for increasing the holding power of the jute-growers, he said in reply "yes," "this money"

he says, "will be used for increasing the holding power of the jute-growers". This increase in the holding power of the jute-growers is included within the meaning of stabilisation of prices and improvement of marketing. That is the object of the Act and that object must be found in the preamble.

Mr. SPEAKER: I have very carefully heard Mr. Biswas. At times I can give fullest liberty to the members of the House to deal with motions. This will apply to all the motions which I may declare out of order. It will be quite all right for the members to interfere with the purport of the provisions of this Bill in so far as the actual sections are concerned, but in order to change the preamble, they must convince me that there is something in the Act which directly bears out the purpose for which the amendment is proposed; otherwise it will be a very dangerous thing if any general proposition is brought in the preamble which will not be correct for any future parliamentary legislation. I hold that the motion is out of order.

The question that the preamble stand part of the Bill was then put and agreed to.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Bengal Raw Jute Taxation Bill, 1941, as settled in the Assembly, be passed.

Mr. SASANKA SEKHAR SANYAL: Sir, we want to oppose it.

The Hon'ble Mr. H. S. SUHRAWARDY: I thank the honourable member.

Mr. SASANKA SEKHAR SANYAL: Sir, we had no desire to take up the time of the House by dilating upon the third reading. But, Sir, the observations that have fallen from you compel us to offer our considered criticism regarding the objective and import of this piece of legislation. We have made our position amply clear at the earlier stages that we have no objection to this legislative measure, even if it be a taxation measure, as such, if we were convinced that the Government would be getting revenue only at the cost of people at the top and if we were further convinced that the Government would increase the holding power of the jute-growers. Sir, your observations just about a minute back have strengthened our suspicion that the Ministers mean one thing in their heart of hearts and they profess a different thing when they come with a Bill before the Assembly.

Mr. SPEAKER: That is what every Government in the world does!

Mr. SASANKA SEKHAR SANYAL: I am thankful to you, Sir, that you have exposed the preamble of the Bill and the limitations of the same and you have also in your wisdom made certain observations which strengthen our suspicion that the Object and Reasons as set forth in the Statement are not the real Objects and Reasons which are meant by Government. Sir, we know that the Jute Regulation Department which has been a very costly Department had practically stranded Government on the verge of loss of revenue, if not bankruptcy.

Mr. SPEAKER: Government cannot be bankrupt.

Mr. SASANKA SEKHAR SANYAL: Government, we know, have been faced with the difficulty of maintaining the staff which has been broadcast over this province and we have our lurking suspicion that the Government require funds not really ultimately to benefit the jute-growers but in order to have opportunities for continuing and maintaining the staff which is now a point of prestige with the Government.

Sir, we oppose this Bill on several grounds. The first ground has been very amply argued by my friends to-day at an earlier stage and we also advanced our arguments at the previous stages. We are not yet convinced that the impact of this taxation will fall merely upon the industrial headquarters or the jute-mills. Sir, we have not been convinced by the mere assurance of the Hon'ble Minister although the assurance was prefaced by some peroration with regard to the economic theory and practice. We know, Sir, that the jute-millowners will take into consideration the tax that they will have to pay and they will control their purchase price accordingly. Sir, it is now a truism—although the Hon'ble Minister will not find out the wisdom of this truism; Sir, to the people at large it is a truism—that unless there is a minimum price fixed in the matter of jute any other charge or surcharge upon this golden crop of the province is bound to be distributed upon the vast number of jute-growers in the same way as it will be upon the jute-mills at the top. Sir, if my friend the Hon'ble Minister will only consider the ordinary economic law of demand and supply, price is controlled and determined by persons and parties who can control and determine. Sir, the millowners are parties with infinite resources as against the very bare subsistence resources or even the absence of them so far as the jute-growers are concerned. When the economic law of supply and demand begins to operate between these two unequal parties—parties of absolutely unimpeachable difference in magnitude—even a child in economics can understand and can realise that the parties at the top will determine the price. So, Sir, we repeat our protest against this taxation measure firstly on the ground that unless there is a fixation of minimum price of jute, ultimately the tax which will formally be paid by the millowners at the top will practically come out of the scrape skin of the jute-growers at the bottom.

In the second place we lodge our voice of protest because the Government is repeating the performance of grabbing at power through the rule-making powers. Sir, we on this side of the House have always protested against this well-known "New Despotism" of Democracy and we have entered our protests on many other occasions that unless the Government places these rules before the Assembly, the parties who are not in power will not be in a position to either amend or to modify suitably the rules which will be framed. That will always mean there will be discriminatory treatment made by the Government sometimes consciously and sometimes unconsciously. So, Sir, we repeat our protest and oppose this Bill on the second ground that the rules are not being placed before the House.

Sir, the third ground is that the Government in the preamble has not made it clear as to what will be the objects and what will be the ways in which this fund will be utilised. Sir, when the Motor Spirit Taxation Bill was before the House we on this side of the House showered our blessings upon that Bill because there was a refreshing frankness on the part of the Government in that the Government proposed to utilise the proceeds of the revenue for earmarked purposes. But, Sir, Government in its usual way is playing hide and seek with this taxation measure as with the sales tax. We do not know, Sir, the purposes for which the money will be spent. There is a vague phraseology in the Statement of Objects and Reasons——

Mr. SPEAKER: Interests of the growers!

Mr. SASANKA SEKHAR SANYAL: Interests of the growers, yes. For example, our slavery in India is sought to be perpetuated by our foreign masters on the ground that slavery is in the interests of the people of India. Similarly, Sir, the exploiting people, the capitalists at the top, the grinding millowners, will be given certain advantages and there will be the conventional and fashionable dictum that all these things are done in the interests of the growers. Sir, we have had enough of these things. We have been brought under subjection in the interests of growers. We have been kept on in subjection in the interests of growers. We are being denied in the interests of the masses. This talk of the interests of the masses is now a boring talk and we expected that this democratic Government which is piloted by a very sensible Coalition Party would revise their ways and means and would at least repeat that instance of the Motor Spirit Taxation Bill by coming out with clean hands and saying in so many words that the proceeds of this revenue are thus earmarked. As that is not done, I can even give out my suspicion that the money which will be procured and secured through this legislation might be utilised for war purposes and justified as being in the interests of jute-growers

There is no end to and there is no limitation upon the discretion of the Government and, Sir, we must say that we have been disappointed so far as the Objects and Reasons are concerned.

On these grounds, Sir, we oppose this legislative measure.

Mr. SYED JALALUDDIN HASHEMY: Sir——

Mr. SPEAKER: I hope you will be very brief.

Mr. SYED JALALUDDIN HASHEMY: I shall be very brief, Sir.

Mr. SPEAKER: You have already finished your third reading speech.

Mr. SYED JALALUDDIN HASHEMY: So, I shall be brief. I only wish to record our protest against the tendency of taxation of this Government. Day in and day out there is a tendency of taxation. To put in a nutshell, I can say that the history of provincial autonomy is a history of taxation. We are told that this Bill is a good Bill. But still we have our doubts, we have our misgivings and we have our misunderstanding as has been said by the Hon'ble Minister. Sir, we know that the growers will not be benefited. They will only be exploited by the occupiers of mills as they have been exploited for the last more or less 200 years.

With these words, Sir, we record our protest against this taxation measure.

The motion of the Hon'ble Mr. H. S. Suhrawardy that the Bengal Raw Jute Taxation Bill, 1941, as settled in the Assembly be passed was then put and a division taken with the following result:—

AYES—68.

Abdul Hafiz, Mr. Mia.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Metaleb Malik, Dr.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Herwah).
Abdur Rauf, Khan Bahadur Shah (Rangpur).
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Mymensingh).
Gurung, Mr. Damber Singh.
Hamilton, Mr. K. A.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Jasimuddin Ahmed, Khan Sahib Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Maulvi (Tippera).

Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Morgan, Mr. G., C.I.E.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Bahadur Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawani Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Norton, Mr. H. R.
Pettinger, Mr. G. U.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sirajul Islam, Mr.
Sirdar, Babu Litta Munda.
Speller, Mr. J. H.
Stark, Mr. A. F.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Yousuf Mirza.

NOES—22.

Abul Fazl, Mr. Md.
Asimuddin Ahmed, Mr.
Banerji, Mr. Satya Priya.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Chakrabarty, Babu Narendra Narayan.
Das Gupta, Babu Khagendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Majumdar, Mrs. Hemaprova.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Roy, Mr. Charu Chandra.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.

The Ayes being 68 and the Noes 22, the motion was carried.

Mr. SPEAKER: We will now take up the Bengal Markets Regulation Bill.

Mr. SYED JALALUDDIN HASHEMY: Sir, we have not got this Bill with us now and our calculation is mistaken.

Mr. SPEAKER: That would be expeditious for me, for then I will be able to dispose of the whole Bill to-day. I can allow you to go provided you all support me in seeing that the Bill is finished to-morrow. I hope you will all agree with me that there are only one or two vital matters. So, let us agree to finish quickly to-morrow.

Mr. SASANKA SEKHAR SANYAL: All right, Sir.

Adjournment.

The House was adjourned at 7-42 p.m. till 4-45 p.m. on Tuesday, the 19th August, 1941, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, Tuesday, the 19th August, 1941, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 9 Hon'ble Ministers and 173 members.

Mr. CHARU CHANDRA ROY: Mr. Speaker, Sir, before we begin the question, I want to draw your attention to the number of questions yet to be answered. Sir, this is the fifth day I am standing to speak on this subject.

Mr. SPEAKER: Let us see if we can dispose of them.

STARRED QUESTIONS

(to which oral answers were given)

Tuberculosis Surveys at Serampur and Barisal.

***76. Maulvi SADARUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) what are the present stages of the Tuberculosis Surveys undertaken at Serampur and Barisal;

(*ii*) what results, if any, have been up till now obtained from these surveys; and

(*iii*) what is the percentage of the people suffering from tuberculosis or from its infection in—

(1) town areas, and

(2) the rural areas?

(*b*) What steps do the Government propose to combat this disease and to prevent its devastating effect in the Province?

(*c*) Is it in the contemplation of the Government to start Tuberculosis Treatment Centres in each district and subdivisional town? If so, when?

Mrs. HASINA MURSHED (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) (*i*) and (*ii*) A statement showing the present stages of surveys, and the results obtained up till now from the surveys is laid on the Library Table.

(*iii*)

	Percentage of cases suffering from tuberculosis.	Rate of infection found by tuberculin test.
	Per cent.	Per cent.
Serampore—		
Town area ...	... 14	88·6
Rural area ...	... 25	91
Barisal—		
Town area ...	... 11·9	45·2
Rural area ...	... 11·9	35·4

(*b*) and (*c*) Government have already under consideration a provincial scheme for control of tuberculosis. Parts of the scheme have already been put into effect and it is proposed to put two more important items in effect during the year, viz., establishment of Tuberculosis Chest Clinics at Sadar Hospitals and of village isolation centres in rural areas. A copy of the Provincial Scheme is laid on the Library Table.

Mr. SYED JALALUDDIN HASHEMY: Can we not get individually a copy of the scheme that has been prepared by the Government?

Mr. SPEAKER: I will look into the matter. If you are interested in the scheme, I will write to Government about that.

Debt Settlement Boards in Satkhira subdivision.

***77. Mr. SYED JALALUDDIN HASHEMY:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state showing separately thana by thana—

(*a*) the number of existing Debt Settlement Boards in Satkhira subdivision; and

(*b*) the number of Chairmen from—

(1) Caste Hindus,

(2) Scheduled Castes, and

(3) Muslims

in those Debt Settlement Boards?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): A statement is laid on the Table

Statement referred to in reply to starred question No. 77.

Thanas.	Number of Boards.	Chairmen.		
		Muslims.	Caste Hindus.	Scheduled Castes.
Satkhira	6 (including one Special Board).	2	4	..
Kalaroa	5	3	2	..
Debhatta	2	1	1	..
Tala	4	..	4	..
Kaliganj	4	..	4	..
Shyamnagore ..	2	..	2	..
Assassuni	4	1	2	1
Total ..	27	7	19	1

Of these one Muslim and one Scheduled Caste Chairmen are Government officers who have been appointed *ex-officio*, viz., the Muslim Chairman on Satkhira Special Board and the Scheduled Caste Chairman on Assassuni board.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the reasons of the paucity of Muslim and Scheduled Caste Chairmen in the Satkhira subdivision? There is practically no Scheduled Caste Chairman. The only Scheduled Caste Chairman shown in the statement is nominated by Government——

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: We do not go by communal consideration in the appointment of Chairmen of the Debt Settlement Boards.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister agree with me if I say that out of the 19 Caste Hindu Chairmen invariably all of them are landholders or money-lenders?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

Arrest and subsequent release of certain jute mill workers within Naihati and Jagatdal police-stations.

***78. Mr. NIHARENDU DUTTA MAZUMDAR:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(*i*) that a number of jute mill workers within the jurisdiction of Naihati and Jagatdal police-stations were arrested on the 29th April, 1941;

(*ii*) that they were kept in custody for several days; and

(*iii*) that they were thereafter released unconditionally?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason therefor?

(*c*) Whether all those who were unconditionally released were taken back in their old jobs?

(*d*) If the answer to (*c*) is in the negative, what are the specific reasons thereof in particular cases?

(*e*) Whether it is a fact that—

(*i*) Maqbul Alam of weaving department of the Meghna Jute Mills (North);

(*ii*) Jang Bahadur, and

(*iii*) Makham Ram of the Anglo-India Middle and Upper Jute Mills respectively

were refused employment after their release?

(*f*) If the answer to (*e*) is in the affirmative, what are the reasons thereof?

(*g*) Whether it is a fact that Makham Ram was victimised at the instance of the Deputy Superintendent of Police of Barrackpore?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) No one was arrested on 29th April, 1941, but on 30th April, 1941, some mill hands and outsiders numbering 14 in all were arrested by the Naihati and Jagatdal police.

(*ii*) and (*iii*) Of the 14 persons arrested, 12 were discharged on 13th May, 1941, for want of sufficient evidence, and specific cases were started against two. The case against one ended in conviction on 19th June, 1941, the case against the other is pending.

(*b*) These men were arrested on the information that they had in their possession several printed prejudicial leaflets for distribution, and on actual search such leaflets and other objectionable literature were seized from the houses of most of them.

(*c*) No, three of them whose names are given in part (*e*) of the question were not re-employed.

(*d*) They are reported to have been dismissed in the ordinary course of their employment in the mills, but the matter is under further investigation.

(*e*) and (*f*) *Vide* reply to (*d*) above.

(*g*) No.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*e*), will the Hon'ble Minister be pleased to state why the said gentleman Makham Ram was dismissed?

The Hon'ble Mr. H. S. SUHRAWARDY: He was dismissed in the ordinary course of his employment, but the matter is under further investigation.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state if those gentlemen were dismissed in the ordinary course of their employment, what are the things that Government are investigating at the present moment?

Mr. SPEAKER: It may be that that is the report, but Government are not satisfied. Don't try to draw out at this stage.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state for how many days those 12 men were detained?

Mr. SPEAKER: That is a matter for the Police Department.

Mr. ATUL KRISHNA GHOSE: Sir, they were detained for several days.

Mr. SPEAKER: Quite right, but that is a matter for the Police Department.

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know. As a matter of fact I made a mistake in replying to this question, I did so because the question was addressed to my department and a few labourers have also been involved. But this question ought to have been addressed to the Home Department.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether those 3 men were not being taken back to work and have been proceeded against for any offence either by the mill authorities or by the police subsequent to their arrest?

Mr. SPEAKER: Mr. Mazumdar, the Labour Department is concerned with questions like welfare or victimization. The other part of the question relates to the Police Department.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, as I have put in question (*g*), namely, whether it is a fact that Makham Ram was victimised——

Mr. SPEAKER: Yes, but the matter is still under investigation.

Mr. NIHARENDU DUTTA MAZUMDAR: The question is this. Here the matter concerning the Police Department and the matter concerning the Labour Department dovetailed each other and therefore you are trying to draw a sharp line of demarcation to shut out——

Mr. SPEAKER: Please remember that the matter is under further investigation.

Mr. NIHARENDU DUTTA MAZUMDAR: Yes, Sir. I am just asking the Hon'ble Minister a supplementary question. Apart from the question as to whether he was actually victimised at the instance of the Deputy Superintendent of Police of Barrackpore or not, has any action been taken against him for any offence by the mill authorities?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of it.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister please let us know the nature of the leaflets which have made it prejudicial to the Government?

Mr. SPEAKER: That is a matter for the Police Department.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the particular date when these gentlemen were dismissed and the particular date when the investigation began?

The Hon'ble Mr. H. S. SUHRAWARDY: I suppose that they must have been dismissed when they were arrested. They have not been reinstated. I have no knowledge of any of these things. The matter is under investigation. I have made an enquiry.

Mr. ATUL KRISHNA GHOSE: You have made an enquiry! May I ask of whom? Was it of the mill authorities?

The Hon'ble Mr. H. S. SUHRAWARDY: The enquiry is being made through official channels.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state when he made the enquiry?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not prepared to say that.

Mr. NIHARENDU DUTTA MAZUMDAR: Do I understand the Hon'ble Minister to say that he held an enquiry and that his enquiry has not yet been completed?

Mr. SPEAKER: That is so.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to answer (*d*), where it is stated "They are reported to have been dismissed in the ordinary course of their employment", will the Hon'ble Minister be pleased to explain what he means by "dismissed in the ordinary course of employment"?

The Hon'ble Mr. H. S. SUHRAWARDY: The report is that they have been dismissed in the ordinary course of employment and because I am not satisfied with that report I am going to make a further investigation. If the honourable member does not want further investigation, I am quite prepared to drop it. (Laughter.)

Mr. NIHARENDU DUTTA MAZUMDAR: I am thankful to the Hon'ble Minister.

(At this stage Mr. Speaker asked the next quetsion to be called out.)

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, I shall close this question by only asking whether the Hon'ble Minister has received any

personal representation from the workmen as yet in the course of his investigation and, if not, whether he will be pleased to consider the desirability of receiving the representations and a full statement of facts from the workmen themselves?

The Hon'ble Mr. H. S. SUHRAWARDY: The workmen have not approached me and they have made no representation. My officers will make the inquiry and I have no doubt that they will ask all persons concerned.

Demolition of Gangnia Bund across the Serampore khal in Satkhira.

***80. Mr. SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether it is in the contemplation of Government to demolish the Gangnia Bund across the Serampore *khal* in Satkhira subdivision (Khulna)?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason therefor?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) Yes.

(*b*) Demolition of the cross dam is necessary for establishing the natural drainage of the country which the dam has obstructed. The obstruction will cause serious congestion of drainage and spoil the health and cultivation of a very large tract of country.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether it is a fact that during his recent visit to Satkhira a few months ago, a representation was made to him and in reply to that representation he assured the public that the cross-bund will not be demolished till the Government scheme has materialised?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir, I do not think my honourable friend is quite correct. On my way to Satkhira I personally visited the dam and I met the people who were responsible for the erection of the unauthorised dam. Although the party was prosecuted under the Embankment Act and the court ordered the removal of the same, the execution of the order has been stayed, and we are considering what alternative steps may be taken to prevent saline water coming in. We have not yet come to any final decision.

Mr. SYED JALALUDDIN HASHEMY: Is it not a fact that the Executive Engineer agreed to keep the dam intact against the order of the Subdivisional Officer till the scheme which Government has in view has materialised?

Mr. SPEAKER: In your question you have used the words "against the order of Subdivisional Officer." That will be out of order.

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to withdraw those words from my question. Let the question be answered without those words.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am not prepared to state what opinion an individual officer held about the dam.

Mr. SYED JALALUDDIN HASHEMY: Is it not a fact that if this cross-bund is removed an area of paddy land covering 60,000 *bighas* will be injured by saline water?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: On the other hand, if it is not removed in proper time a large tract of the country will remain waterlogged and the crop will fail.

Mr. SYED JALALUDDIN HASHEMY: Does the Hon'ble Minister consider the desirability of reviewing the whole matter once again and giving a hearing to the affected cultivators before he decides to demolish the cross-bund?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I have told my honourable friend just now that I have personally visited the area and the execution of the order has been stayed on that account.

Water-logging in the fields north of Kristapur and Bhangore canals.

***81. Khan Sahib JASIMUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether there is any water-logging this year in the fields on the north of Kristapur and Bhangore canals?

(*b*) Is the Hon'ble Minister aware—

(*i*) that the above canals have recently been dredged; and

(*ii*) that the water level in these canals is still maintained higher than that of the surrounding fields?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Yes. There is temporary water-logging occasionally, when there is heavy downpour in the basin and also when the low water levels in the rivers at the two ends of the canal are comparatively high as they generally are during the rains.

(*b*) (*i*) Yes, to the level of the floor of the lock at Kulti.

(*ii*) The adjoining fields are very low and the canals cannot be drained to the level of the fields, as in that case the depth of water over the Kulti Lock floor would be insufficient for navigation of country boats.

Starred Question No. 82.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: This question like the question No. 72 in the starred list of yesterday may stand over.

Mr. SPEAKER: Yes.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Water-supply in rural areas.

59. Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state, in brief, the rural water-supply scheme formulated, if any, which Government have in contemplation to take up during the coming year in the Province?

Mrs. HASINA MURSHED (on behalf of the Hon'ble Nawab Khawaja Habibullah Bahadur, of Dacca): A copy of the memorandum on the scheme which has been tentatively approved by Government subject to examination of details by the Finance Department is laid on the Library Table.

Relief to flood-affected people of Chittagong.

60. Maulana MD. MANIRUZZAMAN ISLAMABADI: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware of the fact that there was a heavy flood in the first week of July, 1941, in different parts of the district of Chittagong specially in the subdivision of Cox's Bazar, police-stations Patiya, Satkania and Rangunia, causing irreparable losses to *aus* crops and seedlings, dwelling houses and the destruction of domestic animals?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, have been taken to mitigate the sufferings of the local cultivators?

(*c*) If no step has yet been taken, is the Hon'ble Minister considering the desirability of taking early steps for redressing the sufferings of the local peasants by way of granting them sufficient crop and agricultural loans?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Heavy rainfall in conjunction with high tides caused floods in the main rivers of the district and their tributaries. At one or two places the strong currents caused erosion and deposit of sand. Some houses were lost and one or two small embankments gave way. The major portion of the area which grows *aus* lies to the north of the Karnaphuli river. In this area the extent of damage to the *aus* was nothing unusual. To the south of the Karnaphuli river in some unions in Satkania and Patiya thanas, the damage was about one-third. In the other areas affected by floods, little or no *aus* is grown. Where the *aus* has not been damaged by floods, it is expected to yield a bumper crop this year. As to *aman* seedlings, about 50 per cent. have been damaged in low-lying areas. But the floods have gone down and the weather has been favourable for some weeks past for resowing of the crop.

(*b*) Government have sanctioned Rs.70,000 as agricultural loan and Rs.20,000 as short-term loan. More loan will be granted, if necessary. The Co-operative Department are distributing Rs.1,10,000 as short-term crop loan in the affected areas.

(*c*) Further steps will be taken as and when necessary.

61. Khan Bahadur Maulvi JALALUDDIN AHMED: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware of the devastating flood in Cox's Bazar subdivision, Satkania and Patiya of the Chittagong district, which took place in the first part of July, 1941?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) what relief measures, if any, have been taken; and

(*ii*) what amount have been sanctioned as—

(1) gratuitous relief,

(2) agricultural loan, and

(3) other reliefs

to the affected areas?

(*c*) Is the Hon'ble Minister aware—

(*i*) that the price of rice has risen very high;

(*ii*) that many persons are starving; and

(*iii*) that there is every chance of distress prevailing in the district?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps do the Government contemplate taking for regulating the rise in prices of rice the main foodstuff?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Heavy rainfall in conjunction with high tides caused floods in the main rivers of the district and their tributaries. At one or two places the strong currents caused erosion and deposit of sand. Some houses were lost and one or two small embankments gave way. The major portion of the area which grows *aus* lies to the north of the Karnaphuli river. In this area the extent of damage to the *aus* was nothing unusual. To the south of the Karnaphuli river in some unions in Satkania and Patiya thanas, the damage was about one-third. In the other areas affected by floods, little or no *aus* is grown. Where the *aus* has not been damaged by floods, it is expected to yield a bumper crop this year. As to *aman* seedlings, about 50 per cent. have been damaged in low-lying areas. But the floods have gone down and the weather has been favourable for some weeks past for resowing of the crop.

(*b*) (*i*) Agricultural loans are being given in the affected areas.

The Co-operative Department are also giving short-time crop loans.

(*ii*) (1) Nil.

(2) Rs.70,000 as agricultural loan, Rs.20,000 as short-term loan.

(3) Co-operative Department are issuing a crop loan of Rs.70,000 in Sadar subdivision and Rs.40,000 in Cox's Bazar subdivision.

(*c*) (*i*) Yes.

(*ii*) and (*iii*) Hardship has been caused to the people in the affected areas. The professional beggars and day-labourers have been hard-hit, but the day-labourers will find employment in replantation of *aman* paddy which has begun.

(*d*) Control of prices is a matter for the Commerce and Labour Department.

Re-excavation of Dhurang khal in Fatickchari, Chittagong.

62. Dr. SANAULLAH: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) when the actual re-excavation work of the Dhurang *khal* in police-station Fatickchari, district Chittagong, will be commenced; and

(*ii*) whether tenders for the said re-excavation work have been invited by the Irrigation Department?

(*b*) If the answer to (*a*) (*ii*) is in the negative, will the Hon'ble Minister be pleased to state when tenders for the said scheme are likely to be invited?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) It is proposed to commence this work after the rainy season this year.

(*ii*) No.

(*b*) Before the work is started.

Mr. SPEAKER: Questions over.

Questions regarding Jail Clerks.

Mr. NIHARENDU DUTTA MAZUMDAR: May I point out, Sir, with reference to starred question No. 79 relating to the Home Department in respect of Jail Clerks of Bengal which is in to-day's question paper, there were two other questions on the same subject which came yesterday. I would like the answers of all the three to be given together as they relate to the same subject?

Mr. SPEAKER: In future I am going to adopt this policy.

Mr. NIHARENDU DUTTA MAZUMDAR: The Hon'ble Sir Nazimuddin on his return might answer the three questions together so that the supplementary questions might be asked all at one time.

Mr. SPEAKER: Yes.

Distribution of copies to members of the scheme for the control of Tuberculosis.

Mr. SPEAKER: There is just one matter to which my attention has been drawn by Mr. Hashemy. He has enquired whether the

members can get copies of the scheme for the control of Tuberculosis in the province of Bengal. I find, it is a printed paper and as such I think a sufficient number of copies may be available. As members are anxious to have copies, I shall certainly be prepared to have them distributed if Government can supply them.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I shall certainly convey this to my honourable colleague in charge and if a sufficient number of copies are available, they will be sent to you for distribution amongst members.

Mr. SPEAKER: Even if there are not a sufficient number of copies available you may arrange to send as many copies as possible so that I may have them distributed among those members who are anxious to have copies.

Rationing of petrol.

Mr. SYED JALALUDDIN HASHEMY: Sir, we are experiencing great difficulty in our ordinary legislative work for want of petrol.

Mr. SPEAKER: Order, order. We should discuss this matter when no outsider is present. I think it is not proper to discuss it in the presence of outsiders for certain reasons which I shall explain. If the House desires I shall have the House cleared for about 15 minutes immediately after prayer time and we can then discuss this question.

GOVERNMENT BILL.

Bengal Markets Regulation Bill, 1941.

Mr. SPEAKER: The House will now resume further discussion on the Bengal Markets Regulation Bill.

I find at this stage from the European group notices of two amendments have been given. I take it that these amendments are merely verbal changes of the amendments which they have themselves placed.

Mr. A. F. STARK: That is correct.

Clause 2.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 2(4) after the word "Act" at the end, the words "and passed by both Houses of the Legislature" be added.

This is an old question which we have been pressing before Government for a long time. We do not like the framing of any rules by a few persons under Government. They should be brought before the Assembly so that they might be thrashed out and made perfect. So I would request the Hon'ble Minister to see that the rules are brought before the Assembly for its approval.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I oppose this amendment. This matter has been discussed in this House on several occasions. My friend proposes by this amendment that the rules which will be prescribed must pass through both the Houses of the Legislature. Sir, the rules are in respect of matters of procedure and other minor matters and if every time the rules have to go through both the Houses, that will mean an unnecessary expenditure of public time and money and I think in a matter like this the House will not agree to the course recommended by my honourable friend.

Sir, I oppose this amendment.

The motion of Mr. Md. Abul Fazl that in clause 2(4) after the word "Act" at the end, the words "and passed by both houses of the Legislature" be added, was then put and lost.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 2(5), in line 5, for the words "acting on behalf of such owner or lessee" the words "an authorised agent of such owner or lessee" be substituted.

Sir, "proprietor" has been described as meaning the owner of a market and includes any person who is in actual charge and in direct control of a market, whether such person is the owner of the market or is the lessee thereof or is acting on behalf of such owner or lessee. If it is allowed to stand as it is, then other persons who are not authorised may come in and make illegal exactions. For this reason I have suggested an authorised agent.

Mr. SPEAKER: You want to say "proprietor" means the owner of a market and includes any person who is in actual charge and in direct control of a market, whether such person is the owner of the market or is the lessee thereof or is an authorised agent of such owner or lessee. But that means to say that every market proprietor will get out of the law for the reason that he does not make him an authorised agent but an agent for all practical purposes. Are you really putting any liability on the market owner so that anybody who wants to employ an agent must make him an authorised agent in writing?

Mr. MD. ABUL FAZL: Certainly, Sir.

Mr. SPEAKER: But there is no such provision in the law with the result that every market owner will have an agent who will not give him the authority and then he avoids the law. You ought to have made a corresponding provision that nobody will be able to employ an agent or lessee without an authority; otherwise he will be liable himself.

Mr. MD. ABUL FAZL: Sir, this provision may be made by rules.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I oppose the amendment. You have yourself pointed out the defect in this amendment. If it is accepted, the whole thing will be unworkable and in every case the proprietor will avoid the law.

The motion of Mr. Md. Abul Fazl that in clause 2(*5*), in line 5, for the words "acting on behalf of such owner or lessee" the words "an authorised agent of such owner or lessee" be substituted, was then put and lost.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 2(*6*), in line 2, after the word "price" the words "or weight" be inserted.

Sir, in sub-clause (*6*) trade allowance has been defined as any deduction made by the purchaser from the price of any commodity purchased—this is one part—and secondly, any realisation made by the purchaser or the seller in cash or in kind in any transaction over and above the price agreed upon. These are the two parts. Now, by my amendment I propose that trade allowance should mean a deduction not only from the price but also from the weight.

Mr. SPEAKER: In that case, unless you reduce it to one common factor, you cannot do it. So long as the price agreed upon is the governing factor in a transaction, anything less in weight must necessarily mean less in price.

Mr. SURENDRA NATH BISWAS: No, Sir. The price agreed upon relates to the latter part of the definition—realisation of any sum over and above the price agreed upon—and the first part relates to deduction from the price. How transactions are made with regard to jute? Suppose a purchaser weighs jute and gets one maund but he pays for 38 seers. He does not pay for the entire quantity. The price is settled for only 38 seers after deducting two seers from the weight. The case is not that of deduction from the price of 40 seers.

Mr. SPEAKER: Will not that come under trade allowance?

Mr. SURENDRA NATH BISWAS: No, Sir, as the Bill stands. I want to have trade allowance cover that contingency.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I am at one with my honourable friend so far as his object is concerned, but this amendment seems to be unnecessary. What he desires, I think, will be served by the clause as it stands because any deduction in kind also will be regarded as trade allowance.

Mr. SURENDRA NATH BISWAS: How?

The Hon'ble Mr. TAMIZUDDIN KHAN: That is the second portion—any realisation made by the purchaser or the seller in cash or in kind if he contracts.

Mr. SURENDRA NATH BISWAS: Sir, may I point out through you to the Hon'ble Minister that the second portion only raises the price.

Mr. SPEAKER: I enter into a transaction with you to purchase one maund of jute at Rs. 10 per maund. You make me pay for 50 seers of jute at Rs. 10. Is it not that?

Mr. SURENDRA NATH BISWAS: No. There is another case also. Suppose I have got only 40 seers and you purchase from me 40 seers but you want to pay for 38 seers.

Mr. SPEAKER: Quite right. In other words, either it is more or less whatever it is meant, but in substance if the price agreed upon is of a maund, the moment the quantity is changed for the same, I mean the measurement is changed, either I must pay more price or less price.

Mr. SURENDRA NATH BISWAS: That may be so. But may I point out that the second portion does not cover the case as you have just now proposed because the second portion only relates to the amount which is realised over and above the price agreed upon. Your case, Sir, may be covered by the second portion, but I am afraid that the case where the seller has got only 40 seers and is asked to take the price of 38 seers is not covered by either portion of clause 2(6).

Mr. SPEAKER: Naturally. If I take 40 seers of a commodity from a man and pay him for 38 seers, I pay him less price. I am giving him less money than he is entitled to.

Mr. SURENDRA NATH BISWAS: It is not paying less price. Two seers are deducted from the real weight on such and such account. The seller will get price only for 38 seers, that is, he gets the price for less weight. If such a question goes up to court, I do not know if the court will take your view.

The Hon'ble Mr. TAMIZUDDIN KHAN: In spite of the ingenious argument by my honourable friend, I stand unconvinced.

The motion of Mr. Surendra Nath Biswas that in clause 2(*6*), in line 2, after the word " price" the words "or weight" be inserted, was then put and lost.

The question that clause 2 stand part of the Bill was then put and agreed to.

Clause 2A.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 2A(*1*), in line 2, for the word "three" the word "six" be substituted.

Sir, at the time of first registration three months' time has been allowed. This is rather too small a period for mufassal markets. The proprietors of those markets may not be ready to get their markets registered within such a short time. So, I submit, that the time may be extended.

The Hon'ble Mr. TAMIZUDDIN KHAN: I accept it.

The motion of Mr. Md. Abul Fazl that in clause 2A(*1*), in line 2, for the word "three" the word "six" be substituted, was then put and agreed to.

Mr. UPENDRA NATH BARMAN: Sir, regarding my amendment that in clause 2A(*1*), line 5, for the words "for successive periods of three years" the words "each year" be substituted, I beg to point out that sometimes markets are leased out for a limited period of one year or two years. In that case difficulty will arise, and I think they will have to pay licence fees for three years and thus complications will arise. I do not know what will be the solution of it.

Mr. SPEAKER: Supposing you lease out a market for six months, will that solve the problem?

Mr. UPENDRA NATH BARMAN: No; in that case also complications will arise.

Mr. SURENDRA NATH BISWAS: Sir, my amendments Nos. 97 and 98 are consequential upon my amendment No. 95. Would you kindly permit me to move them together?

Mr. SPEAKER: Yes. But let me see the amendment of Mr. Hashemy. Will you move it, Mr. Hashemy?

Mr. SYED JALALUDDIN HASHEMY: Yes, Sir, I beg to move that in clause 2A, sub-clause (*3*) be omitted, but I am prepared to withdraw if I am convinced why no fee shall be charged for registration or renewal of registration. My submission to you, Sir, is that while in every registration case, even in marriage registration cases, there are fees, why in this case exemption has been made?

Mr. SPEAKER: If I argue that in order that every market owner may be tempted to register his market, for the time being the Legislature can say that everybody can register his market without any fee, and that after things have been regularised, the question of fees may be considered.

Mr. SYED JALALUDDIN HASHEMY: Does the Hon'ble Minister hold that view, *viz.*, Government are doing it only to popularise registration, or there is anything else in the mind of the Hon'ble Minister?

The Hon'ble Mr. TAMIZUDDIN KHAN: As every market will have to take licence and pay a fee for that, Government think it unnecessary to impose another fee for the registration of the same market.

Mr. SURENDRA NATH BISWAS: I beg to move that in clause 2A, the sub-clause (*2*) be omitted.

I also beg to move that in clause 2A(*3*), in lines 1 and 2, the words "or renewal of" be omitted.

I further beg to move that in clause 2A(*3*), in lines 2 and 3, the words, brackets and figure "or sub-section (*2*)" be omitted.

Sir, I am against the proposal for incorporation of clause 2A in the Bill and with regard to that I beg to submit that this clause is absolutely unnecessary, because I feel that instead of doing any good the provision of this clause will do a great harm to the people in general throughout Bengal. May I ask the Hon'ble Minister what useful purpose will be served by having all the markets all over the province registered?

The Hon'ble Mr. TAMIZUDDIN KHAN: What harm is there?

Mr. SURENDRA NATH BISWAS: Harm there will be enough. The Hon'ble Minister will require the proprietors of markets all over the province to register their markets every three years and, if anybody fails to get his market registered within the prescribed time, he

will be prosecuted. Registration of markets by the rural people will require some expenses on their part to be incurred. They will have to go to the place of registration, pay some money to the writer of their applications. Then they will submit their applications to the Registration Officer. So the whole procedure of registration of markets will mean an expense to the proprietors of the markets as well as some cost to the Government. Government will have to keep a staff for the purpose of keeping the register and for having the entire procedure of registration gone through. It means pecuniary obligation on the part not only of the proprietor but also of the Government. This is the harm about which my honourable friend wanted to know from me. I want to ask him in return what will be the good? You will find in this Bill that all markets excepting the markets owned by the Calcutta Corporation and the municipalities will have to take licence under clause 4. So Government will automatically get a record of all the markets all over the province excepting of course the markets owned by the Calcutta Corporation and the municipalities. Government may prepare a register of all those markets from papers available in connection with licensing. Therefore these markets do not require any further registration. Then with regard to the markets owned by the Calcutta Corporation and municipalities all over the province, Government may get a list of those markets easily by writing for the same to the municipalities and Calcutta Corporation. For that purpose Government do not require to keep a separate establishment nor to register all the markets all over the province and to harass the rural people who are proprietors of the village markets, unnecessarily, *viz.*, make them go to the town for this purpose, to spend money for registration and to pay penalty in case they fail to register their markets within the prescribed time. In this connection there is another fact which is also to be considered. Sir, those markets, I mean markets owned by the Corporation and the municipalities, will be controlled under this Bill for some specific purposes only, namely, for the purposes of sections 8, 9, 10, 11, 11A and 11B and for no other sections. For these purposes no registration is necessary.

Section 8 requires that no trade allowance shall be realised in any market or in any place by any person. For this purpose, I submit, no registration is necessary. Then for the purpose of section 9 also by which the proprietors may be required by Government to furnish information no registration is necessary. Government may have this information easily from the municipalities and the Calcutta Corporation without having the markets registered. Then with regard to section 10 which deals with standard grades and standard definition, and sections 11A and 11B which deal with standardisation of weight, all these things can be controlled easily without having the markets registered. So I submit that there is no necessity of getting not only the markets owned by the Calcutta Corporation and municipalities

registered, but also the markets owned by private parties all over the province. On the other hand, as I have already submitted, this clause will put the rural people into unnecessary expenditure and unnecessary harassment.

Now, Sir, another thing I want the Hon'ble Minister to give his attention to is that in rural areas the owners of markets are generally agriculturists and my experience tells me that in many cases the owners are large in number. All these people will be harassed in connection with registration and I think eventually this Act will be made absolutely unpopular at the very inception. When the procedure of registration will be carried on, the people will feel very much harassed and when they will find that they are being harassed for nothing, they will become discontented and this Act will be unpopular to them. So, in the interests of the Government for making this Bill popular, I would ask the Hon'ble Minister to consider what I have said and to delete the clause.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I oppose all the amendments that have been moved in respect of this clause. My friend Mr. Biswas is mistaken when he thinks that all markets except those owned by the Calcutta Corporation and the municipalities will have to be licensed under this measure. That is not so.

Mr. SURENDRA NATH BISWAS: Why?

The Hon'ble Mr. TAMIZUDDIN KHAN: A large number of markets will not have to take any licence under this measure. These markets will be markets not only owned by the Calcutta Corporation and various mufassal municipalities but also markets lying within the Calcutta Corporation and within municipal areas. My friend knows that.

Mr. SURENDRA NATH BISWAS: Under what clause?

The Hon'ble Mr. TAMIZUDDIN KHAN: Please look at clause 4, which is the clause relating to licensing. Those markets that are situated within the Calcutta area or within the municipal limits irrespective of the fact whether they are owned by the Corporation or by municipalities will not have to take any licence.

Mr. SURENDRA NATH BISWAS: May I draw your attention to the definition of "market" which has been accepted?

Mr. SPEAKER: Please see proviso to clause 4(*1*).

Mr. SURENDRA NATH BISWAS: I want to draw your attention to the definition of "market" given in clause 2 (*3*).

Mr. SPEAKER: Were you a lawyer you would know that definition cannot abrogate the provisions of a substantive section of the law. Definition is at best a definition. Definition is to give an idea as to what is meant by a market under this Bill. But where the substantive law lays down a certain liability or a certain exemption, then whatever might be the definition that substantive law stands. Here the proviso says that the provisions of this sub-section shall not apply to any market —that is what the Hon'ble Minister is drawing your attention to—in the Calcutta area or in any area, etc., etc.

The Hon'ble Mr. TAMIZUDDIN KHAN: What I was pointing out is this that it is the intention of Government to keep a complete register of all the markets in the province. My friend's agument is that as almost all the markets will have to take licence, that will serve the purpose. But he is mistaken in thinking that only markets owned by the Calcutta Corporation and markets owned by the municipalities will not have to take any licence and all other markets will have to take a licence. That is his view. I was pointing out that he was mistaken. There are a large number of markets, private markets, within the area of Calcutta and within the areas of other municipalities. Those are the most important markets in Bengal. The proprietors of these markets will not have to take any licence. Now if markets are not registered, then Government will have no account of these important markets in various municipalities and also in Calcutta. The result will be this. Under clause 9 proprietors of markets may be asked to supply information which the department considers to be valuable for the purpose of the administration of this Act. If there is no registration of markets, it will be very difficult to catch hold of all the proprietors of these markets for the purpose of getting information from them.

Mr. SURENDRA NATH BISWAS: You can get——

The Hon'ble Mr. TAMIZUDDIN KHAN: Please do not interrupt. I shall reply to every one of your arguments. I submit that the provision to register all the markets is a very salutary provision and no reasonable exception can be taken to that.

My friend has said why put the people to all this worry and trouble to have their markets registered. It will be seen that no fees have been provided for the registration of markets. Therefore it will not be difficult for the proprietors of markets to have them registered. The

procedure that will be prescribed will not entail any great expenditure of money by the proprietors of markets. I think, therefore, that my friend will be well advised to withdraw his objection to the clause.

Mr. SURENDRA NATH BISWAS: What is the difficulty on the part of Government in getting a list of markets within the limits of the Calcutta Corporation and those of municipalities?

Mr. SPEAKER: Supposing they don't give it!

Mr. SURENDRA NATH BISWAS: Am I to believe that if Government ask for information, these local bodies will not supply it?

Mr. SPEAKER: It is quite possible. It is an internal affair.

Mr. Hashemy, are you pressing your amendment?

Mr. SYED JALALUDDIN HASHEMY: I beg leave of the House to withdraw my amendment No. 96.

The motion of Mr. Syed Jalaluddin Hashemy that in clause 2A, sub-clause (*3*) be omitted, was then by leave of the House withdrawn.

The following motions of Mr. Surendra Nath Biswas——

that in clause 2A, the sub-clause (*2*) be omitted;

that in clause 2A (*3*), in lines 1 and 2, the words "or renewal of" be omitted; and

that in clause 2A(*3*), in lines 2 and 3, the words, brackets and figure "or sub-section (*2*)" be omitted,

were then put and lost.

The question that clause 2A as amended stand part of the Bill was then put and agreed to.

Clause 3.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 3(*2*), in line 2, after the word "behalf" the words "and passed by both Houses of the Legislature" be inserted.

This requires no speech on my part. It has been already done.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I oppose the amendment.

The motion was then put and lost.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 3(*4*), in line 11, after the words "authority shall" the words "after making such enquiry" be inserted.

This is with regard to classification of markets and the provision is with regard to an appeal. The appellate authority should make an order after making an enquiry. What I want is that an enquiry should be made before any order is passed.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the amendment is unnecessary. If the appellate authority thinks that any enquiry is not necessary, then it is unnecessary to provide for it.

The motion of Mr. Md. Abul Fazl that in clause 3 (*4*), in line 11, after the words "authority shall" the words "after making such enquiry" be inserted, was then put and lost.

The question that clause 3 stand part of the Bill was then put and agreed to.

Clause 4.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, I beg to move that in the proviso to clause 4 (*1*), in lines 4 to 6, the words "or to any fair or *mela* in any area within the jurisdiction of a District Board" be omitted.

Sir, to make my amendment clear let me read out a certain portion of the section. Section 4 reads—

(*a*) no person shall establish a new market, and

(*b*) no proprietor shall carry on an existing market, unless he holds a licence in the prescribed form and except in accordance with the provisions of this Act and the conditions which may be specified in the licence:

Provided that the provisions of this sub-section shall not apply to any market in the Calcutta area or in any area which has been or may hereafter be constituted a municipality under the provisions of the Bengal Municipal Act, 1932, or to any fair or *mela* in any area within the jurisdiction of a District Board.

I want to delete the portion "or to any fair or *mela* in any area within the jurisdiction of a District Board". Sir, here is another confusion. I do not know what is the actual meaning of the term "any fair or *mela* in any area within the jurisdiction of a District Board". I know of markets—weekly or bi-weekly markets—and I know of *melas* and fares held periodically on the District Board road in my district and

some adjoining districts. Sir, if that comes within the purview of this area "within the jurisdiction of a District Board", what will be the condition of that weekly or bi-weekly *hat* or *mela* just on the District Board road where there is practically no proprietor at all. Sir, I understand by this section that excepting Calcutta area and area within the jurisdiction of Bengal municipality there is not an inch of land which does not come within the jurisdiction of the District Board. All other area in Bengal falls within the jurisdiction of the District Board. Therefore, it comes to this that no licence will be necessary for any market in Bengal. If the Hon'ble Minister means *melas* or *hats* or fares which are directly controlled and managed and owned by the District Board, that is a different thing, but it is not clear. Therefore, it should be omitted. I suggest that the Hon'ble Minister should stop here. "Provided that the provisions of this sub-section shall not apply to any market in the Calcutta area or in any area which has been or may hereafter be constituted a municipality under the provisions of the Bengal Municipal Act, 1932."

Mr. SPEAKER: Have you seen sections 100A, 100B, 100C, 100D and 100E of the Bengal Local Self-Government Act, which were passed in 1932 by the Legislature as regards *melas* and fares with reference to the Bengal District Boards?

Mr. SYED JALALUDDIN HASHEMY: No, Sir, I have not yet seen them.

Mr. SPEAKER: Please see them. It is possible for a District Board to require the owner intending to establish a market to obtain a licence. There is that power.

Mr. SYED JALALUDDIN HASHEMY: If that is so, Sir, this Act is unnecessary.

Mr. SPEAKER: This Act is not merely for *melas* and fares. The District Board's power is only with reference to *melas* and fares, but here it is market.

Mr. SYED JALALUDDIN HASHEMY: Sir, may I read the minute of dissent of one of the Chairmen belonging to the district from where the Hon'ble Minister hails. The minute of dissent of Mr. Yusuf Ali Chowdhury reads:—

> "*Clause 13—Proviso.*—In this proviso the agency of the District Board is going to be employed by the District Magistrate, etc."

That is also significant.

Mr. SPEAKER: However, there is the power under the Bengal Local Self-Government Act to deal with fares and *melas* but not with markets. As such they propose to bring markets under District Board within the control of this Bill.

Mr. SYED JALALUDDIN HASHEMY: Under this section these fares and *melas* are excluded from the operation of this Bill as Calcutta area and Bengal municipal area are excluded. Then what remains?

Mr. SPEAKER: Markets.

Mr. SYED JALALUDDIN HASHEMY: Let the Hon'ble Minister explain it. If necessary I will withdraw my amendment.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I am sure that my honourable friend has tabled this amendment through misunderstanding. He will be pleased to see that the fares and *melas* under the District Board and also markets within the municipalities, whether owned by municipalities or not, and markets within Calcutta, whether owned by the Calcutta Corporation or not, are not altogether excluded from the operation of this Act. Those markets have only been excluded from the operation of this clause—clause for licensing. Those markets will not have to take any licence, but various other important clauses will apply to those markets as to all other markets. The clause regarding licensing will not apply to those markets on account of the simple fact that markets within municipal limits and markets within the Calcutta Corporation have to take licences from the municipalities and the Corporation respectively. It will be unfair if the proprietors of these markets are made liable to take a second licence from the Government. That will be double taxation. That is why these markets have been excluded from the licensing clause of this Bill. Similarly, as you, Sir, have already pointed out, the District Boards can compel owners of fares and *melas* to take licence. Now, if the power to give licence and if the power to compel the proprietors of *melas* and fares to take licence is assumed by Government there is likelihood of conflict of jurisdiction. Suppose, there is a fare in the district of Khulna. The District Board of Khulna compels the proprietor of the fare to take a licence from it. Now if the power is given to Government to compel the proprietor of the *mela* also to take licence from Government, then the organiser of the *mela* will have to take two licences.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister kindly read those sections of the Bengal Local Self-Government Act? Can District Board compel any proprietor to take a licence?

Mr. SPEAKER: Yes, it has been done in some cases. Of course, if a District Board does not want to do it, that is another thing.

The Hon'ble Mr. TAMIZUDDIN KHAN: And this provision has been made to avoid conflict of jurisdiction; otherwise I would have been very happy to catch hold of fares and *melas* also and make the proprietors of these organisations to take licences from Government. But it will be better to avoid conflict of jurisdiction, as that will lead to very great difficulty in the working of this measure. That is why this exception has been made. Sir, I think my friend has been convinced and will withdraw his amendment.

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg leave of the House to withdraw my amendment.

The motion of Mr. Syed Jalaluddin Hashemy that in the proviso to clause 4(*1*), in lines 4 to 6, the words "or to any fair or *mela* in any area within the jurisdiction of a District Board" be omitted, was then by leave of the House withdrawn.

Mr. ATUL KRISHNA GHOSE: Sir, I beg to move that in clause 4(*2*), in lines 3 to 5, the expression beginning with the words "and shall" and ending with the word "market" at the end be omitted.

I also beg to move that clause 4(*4*) be omitted.

Sir, in the Statement of Objects and Reasons in the original Bill which was drafted as far as I can understand by the Hon'ble Minister we see that it is written in very clear language that the object of the Bill is to secure better conditions in the markets for the public generally and to protect buyers and sellers, in particular cultivators selling their produce, from unjustified exactions and other malpractices which prevail.

I would like to draw the atention of the House through you, Sir, that the objective of the Government now has been diverted to make unjust exactions and if I am permitted to say I would like to say to exert malpractices on behalf of Government on the proprietors of markets. Forsooth, the proprietors of markets did great injustice to the sellers, agriculturists and all classes of people. Is that any justification that Government now will go with power and privileges to exact the proprietors of markets by exacting licence fees to the extent of Rs. 50? In the original Bill, the licence fee was limited to Rs. 5 only and when it came through the Select Committee I am surprised to notice, Sir, that the licence fee has been increased to Rs. 50. The Hon'ble Minister has very wisely digested the matter like a very good boy. Since the amount has been increased the Hon'ble Minister has no objection, whatsoever, but if the amount of Rs. 5 would have been reduced to Re. 1. or, say, *nil*

then perhaps the Hon'ble Mr. Tamizuddin Khan would have raised his voice and given us a sermon and said how could the Government, the administration, the organisation, the official paraphernalia be run on and so the money must be paid. May I enquire of the Hon'ble Minister why he changed his previous view and agreed to a jump from Rs. 5 to Rs. 50? Is this change due to the recommendations of the Select Committee or is it because of the profiteering attitude of the present Government? This Government for nearly five years have been imposing taxes and taxes on all classes of people. They had the intention to impose a license fee on jute cultivators, and when the licence fee was proposed, we the Opposition raised our voice against it, and we opposed it on the ground that the peasants would be put to much trouble if this sort of licence fee was imposed on the cultivators in the name of doing some service to them. To-day, Sir, the same policy is being sought to be imposed. May I ask what justification Government have to impose a licence fee on the proprietors of markets? Are the proprietors of markets to-day condemned in the eyes of Government? Did they do any wrong so far as Government are concerned? If the proprietors did anything wrong in the matter of unjust exactions and malpractices, are not Government going on with the same kind of exactions and malpractices by imposing this sort of licence fee on the poor and innocent proprietors of markets?

Mr. Speaker, Sir, you know and those who come from village areas know it thoroughly well and I think the Hon'ble Mr. Tamizuddin Khan has also not forgotten all about it that in a good many markets the proprietors are as good as the poor peasants. Moreover, Sir, in connection with markets you will not, I am sure, be surprised to learn that for one market there are as many as 50 proprietors besides some absentee proprietors too who have been forced to come out of the villages to earn their livelihood. Now, Sir, the restrictions which Government have imposed on the proprietors may at any time lead them to some sort of difficulty and may lead them to go to prison even. Under what circumstances and for what considerations the Hon'ble Mr. Tamizuddin Khan has agreed to the proposal of the Select Committee with regard to this licence fee I would like to know from him. What was the consideration under which he imposed a licence fee of Rs. 5 and what were the changed circumstances to-day under which he wants to justify the imposition of a licence fee of Rs. 50, we would like to know from him.

Mr. Speaker, Sir, Government have taken power to regulate the prices. They are now taking power to regulate the fees to be charged by the proprietors and still they want to impose a licence fee on the proprietors. May I know the reason and justification, economical and moral? (A VOICE: Spiritual as well.) and, as my friend on the left says,

spiritual as well to which remark I lend my support. Sir, you will find that Government are now trying to impose a condition on the proprietors of markets that they should make arrangements for drinking water and that they should make arrangements for various other things for the convenience of the people who will flock there for the purpose of marketing. May I draw your attention, Sir, to those distant villages where there is no drainage system and no arrangement for drinking water, though Government declared times without number that they would make arrangements for drinking water in every union board with tube-wells and various other things? When Government themselves cannot do anything, this shameless Government are dictating terms to other people, simply because they happen to be their subordinates and simply because they happen to be under the control of their rules and regulations. (Cries of "shame" "shame" from the Opposition Benches.) Is this fair and just—that is what I want to know from the Hon'ble Minister? Have Government made any arrangements for drainage in any village in Bengal to make it at least to some extent habitable? They have not. They have failed. Now, Sir, though they have failed to bring about any change, they are dictating terms to the proprietors of markets. They are dictating that with regard to sanitation proprietors must do this thing and that thing and that with regard to drainage they must do this thing and that thing and if they do not do it, they will be penalised. (Rai HARENDRA NATH CHAUDHURI: Shame, shame!) They have got an iron rod to penalise everybody, but who are going to penalise you—I mean the Government? If you fail to discharge your duties, penalise yourself first and then come to penalise the proprietors of markets. The proprietors of markets can at least claim that for the last 50 years or so they did something for the benefit of the people. From economic considerations, Sir, I would like to draw your attention to the fact that in spite of mismanagement, malpractices and even unjustified exactions in the markets they are affording facilities to the buyers and sellers as well.

In an area where there is no market, the buyers cannot get the requisite articles which they require for their elementary needs, not to speak of other things. Even milk is not available. In village areas where there is no market, some people arrange to supply milk by *jogan* system.

Mr. SPEAKER: Why are you wasting your breath on this?

Mr. ATUL KRISHNA GHOSE: The whole Bill from the beginning to the end is——

Mr. SPEAKER: I have allowed you fullest freedom so far. After all, this is applicable not only to the milk sellers but to all markets

that will be established in future. Your argument is that there should be no licensing scheme if a man wants to start a market and run it on the basis of no profit.

Mr. ATUL KRISHNA GHOSE: I would like to know from you, Sir, are they excluding the old markets?

Mr. SPEAKER: The existing markets? The Provincial Government may exempt any person from fees. You have got a market and you make a profit out of it. Government want to control it and in doing so they want you to take out a licence. A licence must be subject to certain conditions.

Mr. ATUL KRISHNA GHOSE: What about the fee?

Mr. SPEAKER: After all, if the machinery of Government is to be set in motion, it requires expenditure of Government money. You want to make a profit out of the market and Government want to impose on you the liability about sanitation and other things. The cost has to be met from the public revenue.

Mr. ATUL KRISHNA GHOSE: As regards the succeeding clauses, I shall expose those things and give suitable replies when they are taken up.

With regard to the licence fee, in reply to your query I would like to repeat the very statement which the Hon'ble Minister made a few minutes back when Mr. Hashemy asked: why don't you impose some fee with regard to the renewal of licence? At that time the Hon'ble Minister replied that Government did not want to exact anything from the proprietor. If they do not want to be exacting, why do they impose a licence fee at the start without knowing whether the proprietors are making profit or loss and without making calculations to find that out.

Mr. SPEAKER: I do not know of any market where profit is not made.

Mr. ATUL KRISHNA GHOSE: May I humbly submit that there are markets which do not exact anything?

Mr. SPEAKER: There may be exceptions.

Mr. ATUL KRISHNA GHOSE: I will come to that later on. Then, Sir, if the rates are not uniform, that will create another difficulty.

Mr. SPEAKER: I think you have sufficiently argued your case.

Mr. ATUL KRISHNA GHOSE: Now, after saying all these things, I would request the Hon'ble Minister to think over his proposal made in the original Bill. If because of various factors best known to the Hon'ble Minister, he cannot do without imposing a licence fee, then I hope he will at least accept some other amendment where a reduction in the fee has been suggested.

Mr. SPEAKER: You have given your whole case away.

Mr. ATUL KRISHNA GHOSE: When the Ministry is going to exact to the extent of Rs. 50 I shall be satisfied if the fee is reduced to Rs. 5 as it was in the original Bill.

With these few words, I commend my motion to the acceptance of the House.

Mr. MD. ABUL FAZL: Sir, I beg to suggest that in clause 4(*4*), line 5, for the word "fifty" the word "twenty-five" be substituted.

This is with regard to the licence fee. In the original Bill it was only Rs. 5 and now in the report of the Select Committee we find that Rs. 50 has been put. The limit fixed is too high and I think Rs. 25 would be sufficient for the purpose of this Bill.

Sir, I beg to move that in clause 4(*5*), lines 3-6, for the expression beginning with the words "no fees" and ending with the word "it" at the end, the words "such exemption appears to them to be equitable" be substituted.

This is with regard to exemption. Sub-section (*5*) empowers Government to grant exemption. My amendment seeks to give the same idea in simple expression which will be more readily understood. So, I move my amendment.

I am not moving any other amendments.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 4(*4*), in line 5, for the word "fifty" the word "five" be substituted.

I also beg to move that in clause 4, for sub-clause (*6*), the following new sub-clause be substituted, namely:—

"(*6*) The proprietor of a market who is in actual charge and in direct control of such market either as the owner or lessee thereof or on behalf of the owner or lessee shall be responsible, and where the number of such proprietor is more

than one all such proprietors shall be jointly and severally responsible for carrying out the provisions of this Act and the conditions set out in the licence for the market."

Now, Sir, with regard to my amendment No. 112, I beg to submit that the original fee of Rs. 5 which was found in the first Bill should be restored. It means that the fee should not exceed Rs. 5. Sir, this is not a taxation measure. It is only a fee which the Government propose to realise for meeting the expenses necessary for the establishment that the Government will have to maintain for the licensing department. I think that when the fee was fixed at Rs. 5 in the first instance, it was certainly found at that time that the amount that would be realised in the shape of fees at Rs. 5 would be sufficient to cover the expenditure. Nothing has happened since then to increase the amount. May I request the Hon'ble Minister to accept this amendment of mine? It will harm nobody. At the same time it will benefit the rural people. Sir, I am not talking of the proprietor of big markets or of the markets——

Mr. SPEAKER: I would like to know from the Hon'ble Minister why he has used the term "owner" in sub-clause (*6*). You want to bring the proprietors in one category. Please see the definition of "proprietor" in clause 2(*5*). Now, as defined, "proprietor" means the owner of a market and includes any person who is in actual charge and in direct control of a market, whether such person is the owner of the market or is the lessee thereof or is acting on behalf of such owner or lessee. That is the definition of the term "proprietor". When you are imposing a liability, why do you not use the word "proprietor" there?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, we have used the word "proprietor" in many other places.

Mr. SPEAKER: Quite right, but why not here? Here you have used the expression "the owner of a market".

Mr. SURENDRA NATH BISWAS: Sir, I am now speaking on my amendment No. 112 with regard to licence fee. As I have already observed, it is not a taxation measure. I believe that a fee not exceeding Rs. 5 per market will be quite sufficient to meet the expenses that Government may incur for maintaining the staff for licensing. May I now request the Hon'ble Minister to explain to the members of the House why this figure "5" has been substituted by the figure "50". I hope that the Hon'ble Minister will give a satisfactory explanation

for changing this figure from 5 to 50. If he cannot give a satisfactory explanation he should accept my amendment; otherwise we will press it to a division.

Then, Sir, I come to my amendment No. 114. Although you talked aside with the Hon'ble Minister and some other gentlemen over the subject-matter of my amendment, which I was not presumed to hear, yet I could take it that it also struck your attention that the sub-clause (*6*) as drafted was not satisfactory.

Sir, in sub-clause (*6*) I find that the owner of the market as well as the person who is in actual charge and in direct control of such market either as lessee thereof or on behalf of the owner or lessee, shall be jointly or severally responsible in appropriate circumstances for carrying out the provisions of this Act and the conditions set out in the licence for the market. Sir, under this clause whether the proprietors of the market are owners or agents acting on behalf of the owners, all of them may be roped in and hauled up before a criminal court for not carrying out any of the provisions of this Act. Now, Sir, as I have already pointed out, the proprietor of a market has been defined to mean the owner of a market and to include a person who is in actual charge and in direct control of a market whether such person is the owner of the market or is the lessee thereof or is acting on behalf of such owner or lessee.

Now, Sir, what can be the intention of the Government so far as this clause is concerned? Is it the intention of Government to penalise the owner—an absentee proprietor—as well as the person who is actually on the spot and is in direct control of the market and does everything on behalf of the proprietor without letting the proprietor know what he is doing? Is it their intention that all of them should be roped in and hauled up before a court for having violated any of the provisions of this Bill? If that is the intention, I am afraid Government will be looked upon as an instrument of oppression.

Now, Sir, when the definition of "proprietor" includes the owner of a market, I do not think that the Hon'ble Minister will hesitate to accept my amendment. If my amendment is accepted, then the person who is in direct control of the market, whether he is the owner of a market or acts on behalf of the owner or is the lessee, shall be responsible for performing all the duties entrusted to him by this Bill and if he does not comply with any of the provisions of this Bill, he may be hauled up. I have no objection to that. Nor have I any objection to more than one such person being hauled up, if the number of persons who are in direct control is more than one.

Mr. SPEAKER: You know in actual fact that is practically impossible. I know a certain market where the number of owners is

legion—about 80, 90 or 100. Here Government want to make both the owner as well as the lessee responsible jointly and severally for carrying out the provisions of the Act.

Mr. SURENDRA NATH BISWAS: But there is the penal clause.

Mr. SPEAKER: Government's idea is not merely to make the owner responsible but also the man in actual charge whether he is a lessee or acting on behalf of the lessee responsible. What is your objection?

Mr. SURENDRA NATH BISWAS: My objection is that if any of the owners is in direct control, left him be hauled up but not others.

Mr. SPEAKER: Suppose the Maharaja of Burdwan has got a market at Kalna and he leases it out. Under the law he must be responsible.

Mr. SURENDRA NATH BISWAS: No, Sir. That is not my object. What I have said is that the person who is in charge of the market should be made responsible. I have said that the proprietor of a market who is in actual charge whether a lessee or——

Mr. SPEAKER: In actual fact it happens that while giving lease of the market the owner reserves to himself the responsibility of looking after the drainage and other things and even if you impose a liability by law the poor lessor is helpless because under the contract it is the owner who is responsible. Now, if you make him jointly responsible, he will certainly see that it is done.

Mr. ATUL KRISHNA GHOSE: Sir, the point is that there may be as usual 50 or 80 proprietors. These 50 or 80 proprietors may be living outside market areas. What I mean is let Government choose one man and let him be hauled up.

Mr. SPEAKER: I do not want to talk of my own experience, but I know of one particular instance where simply because there were 8 or 10 shareholders of a market living in different places, they all tried to evade every law. The municipality imposed certain conditions on the leaseholders who said: "We are not responsible. Please haul up the proprietors."

Mr. SURENDRA NATH BISWAS: There may be many cases like that as you have observed, Sir. You have already taken the case of Maharajadhiraja of Burdwan. Suppose, Sir, he has got a market at Kalna and he has leased that market to A, B——

Mr. SPEAKER: What I mean is that if you want to lease out a market you must do it on such condition that it is contingent upon improvement of sanitary conditions.

Mr. SURENDRA NATH BISWAS: Sir, I am only citing an example. If my amendment is accepted, the purpose of this Act will be fully complied with. Now, Sir, supposing the Maharajadhiraja of Burdwan lets out a market to certain people, and as you have suggested it may not have been a term of the lease that the drainage work will have to be done by the lessee. In that case the lessee may certainly say when this law is passed that this part of the work should be done by the lessor, I mean the Maharajadhiraja of Burdwan. Now, Sir, Maharajadhiraja is not in direct control. What he has done is that he has appointed a manager to act on his behalf. If sub-clause (*6*) is passed as it is, then the Maharajadhiraja of Burdwan also may be hauled up before the Court, although he may have appointed a manager.

Mr. SPEAKER: Can a landlord lease out a market unless he knows that the lessee and the lessor amongst themselves will make sanitary arrangements?

Mr. SURENDRA NATH BISWAS: It may be. Sir, you have cited an example where terms are not in the lease. My object is to exonerate the proprietor who is not in direct control but who appoints somebody to be in direct control. Let that somebody, whether he is the proprietor himself or he is a lessee or whoever he may be, let him be hauled up, and if the number of such persons is more than one, let all those persons be hauled up for not complying with the provisions of the Bill, but the proprietor who is not in direct control of the market should not be hauled up.

Then, I shall draw your attention to the phrase "in appropriate circumstances"—I am reading sub-clause (*6*) of clause 4: "The owner of a market and the person who is in actual charge.....shall be jointly or severally responsible in appropriate circumstances for carrying out the provisions of this Act". Now, Sir, who is to decide these appropriate circumstances and in what manner?

(At this stage the member reached the time-limit but was allowed to conclude his speech.)

I know, Sir, that my amendment will not be accepted by the Hon'ble Minister nor by the House. Still, Sir, I say all this because I feel that it is our paramount duty to fight the case of the poor people who are living in the villages and who we know will be more harassed by this Bill than benefited.

Now, Sir, with regard to this phrase "in appropriate circumstances" I ask the Hon'ble Minister whether he has provided for any prescribed authority and manner to decide the appropriate circumstances under which the liabilities of the proprietor who is not in direct control and the person who is in direct control shall be apportioned in the case of defiance of any of the provisions of this Bill. Sir, I do not find in this Bill any provision for an authority who is to decide the appropriate circumstances nor for the manner in which the decision shall be arrived at. There is no definition of "appropriate circumstances" or any illustration thereof given in this Bill.

To sum up my point, Sir, I would request the Hon'ble Minister to accept my amendments Nos. 112 and 114 which are reasonable and innocent amendments. Such acceptance will not harm any other provision of this Bill nor be an obstacle to its administration. On the other hand, it will give some relief to the people who may be unnecessarily harassed under this Bill.

Mr. ATUL CHANDRA SEN: Sir, I want to make a few observations in support of Mr. Atul Krishna Ghose's amendment.

The House was feeling bored I suspect. I hope the House won't mind if I indulge in a bit of story-telling. There is a story told about an old muktear. Let me relate this story with an apology to my muktear friends in this House and outside—I have many friends among them. Now, Sir, this gentleman had not much of education or legal knowledge; but he knew the art of extracting money from his clients. Whenever any client approached him he would among other things demand 8 annas as "affidavit fee." One day a poor client got bewildered and asked him very politely: "What is this fee that you charge every day?" "Ah, you don't know" said the muktear holding out a piece of cartridge paper, "4 annas this side and 4 annas that side"—in Bengali এপিঠ-ওপিঠ আট আনা। That is how the greedy muktear understood or rather explained "affidavit fee".

Now, Sir, this top-heavy Government—and being top-heavy it requires money—is imposing this tax, that tax and what not. I am inclined to believe that in imposing this licence fee and in enhancing it Government have not acted unlike the muktear of the story. The question that I put to Government plainly is this. Why charge a licence fee at all? What service Government propose to render to the owners of markets in consideration of the fee levied? Practically nothing. Except during the period of suspension of licence when, according to section 14, the management and maintenance of the markets in question shall have to be taken up by the authorities—and be it noted that the expense for the same will have to be met from the income derived from the markets—except in such cases the

Government shall have practically nothing to do towards maintenance, establishment and management of markets. I am inclined to believe, Sir, that the only work which the Subdivisional Magistrate, District Magistrate and the Divisional Commissioner will have to do by way of administration of rules under this Act will be a part of their normal, usual routine work for which no price ought to be demanded. If any price is demanded for this little extra work, the owner of the market may as well say that he pays land revenue for the lands on which the market is situated and if he earns an income from the market he pays income-tax though not to the provincial exchequer and he pays road cess too.

Then about the nature of the business. Does the nature of the business justify the imposition of a licence fee? Well, Sir, market-owning is not a monopoly business. Government by granting a licence to a man for a market does not give him the right of a monopoly business. On the contrary, the Government by empowering themselves under section 17 to establish, maintain and manage their own markets make this market-owning business more competitive than before.

I therefore feel that from the nature of the business the Government have no right to impose this licence fee and to this I have to add the consideration of another fact, *viz.*, that Government compel the market-owners to introduce certain reforms, I do not say unwholesome or unwelcome reforms, but reforms which in some cases at least have to be carried out though the net profit earned by the markets may not permit it. It is on these grounds, Sir, I feel that the market licence fee ought to be given up altogether or in the alternative should not exceed Rs. 5 as proposed by my friend Mr. Surendra Nath Biswas.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I rise to oppose all these amendments.

First of all, I shall deal with the amendment of Mr. Atul Krishna Ghose. In protesting against the proposal to impose a licence fee, he made use of his unlicensed tongue to the fullest possible extent and he traversed every possible field that one could talk about under this measure. He put to me several questions. The chief question is what is the justification of imposing a licence fee? Sir, the proprietors of markets very often make enormous profits out of these markets. It is also common knowledge that on account of maladministration of these markets and also on account of malpractices very often resorted to by the proprietors of markets, abuses have grown up in the markets and persons who visit these markets either as sellers or as purchasers undergo various kinds of hardships; various kinds of exactions have been made from them and there is no end of inconveniences that are suffered by the visiting public. Now if Government has to interfere

in order to check these malpractices and in so doing has to undergo expenditure, is not the Government justified in imposing a fee on these markets? I think those who are of opinion that there is no justification for the imposition of a licence fee will consider this point of view carefully. Again, does not my friend Mr. Ghose or for the matter of that my friend Mr. Sen know that in municipalities and in the Calcutta Corporation they impose licence fees on proprietors of markets and the fees they realise are very often extremely high. In some municipalities very often they realise fees amounting to Rs. 100 or even above that. Now if the Government want to impose a small licence fee, then all my friends are surprised and they protest that Government is creating an innovation.

My friends' objection also was that the fees are too high and why a change has been made from Rs. 5 to Rs. 50. I submit that the amount of Rs. 50 that has been incorporated in this Bill is the maximum that can possibly be realised from a market owner. Do not my friends know that the proprietors of many of these markets are getting thousands of rupees annually from them and therefore on such markets to impose a fee of Rs. 50 will certainly not be unjustifiable? As I have already said, if a comparison is made with the fees that are realised by the Calcutta Corporation and the municipalities, I think there cannot be any objection to the imposition of a maximum fee of Rs. 50 in appropriate cases. Then, Sir, the Select Committee on which the various sections of the House were represented in their wisdom thought that Rs. 5 was a ridiculously small amount to be imposed as a licence fee in all cases. Therefore they thought that a maximum sum of Rs. 50 would not be inappropriate and Government have accepted that view.

Then, Sir, my friend Mr. Ghose expressed his concern for some of the poor proprietors of markets. At that time, probably he did not care to read sub-section (*5*) of clause 4. It provides that if no fees or charges are realised by a proprietor from his market then the Government may exempt that proprietor from the imposition of a licence fee altogether. Therefore, Sir, those who are really poor market-owners and those market-owners who do not make any realisation from the visitors of their markets may be exempted by the Government under sub-clause (*5*). So, I think no reasonable objection can be taken to this clause.

My friend Mr. Biswas moved several amendments and he made an earnest appeal to me to accept some of his so-called innocent amendments. So far as his amendment to reduce the licence fee to Rs. 5 is concerned, I have already dealt with it. So far as his amendment No. 114 is concerned, although he has characterised it as an innocent amendment, I consider it to be a very dangerous amendment. It reads like this. I shall read out only the first few lines,—the

proprietor of a market who is in actual charge and is in direct control of such market either as the owner or the lessee thereof. Sir, the proprietor in direct charge either as owner or as lessee,—this altogether ignores the definition of "proprietor" which has already been accepted by this House. This militates against the definition of "proprietor" and the section will be meaningless if my friend's amendment is accepted. On the other hand, I think no reasonable exception can be taken to sub-clause (*6*) of the Bill, as it stands.

Sir, my friend has raised one objection that in this clause or anywhere else in this Bill it has not been defined who will be the authority to judge under what appropriate circumstances the owner or lessee or the person in direct charge of a market will be held responsible for carrying out the provisions of this Act. I would submit that no prescription actually is necessary because if this matter has to go to the court ultimately for adjudication of certain things, it will be the court which will judge who should be the person to be held responsible under the circumstances of that particular case. Therefore, the defect which my friend sought to point out is not actually a defect. I would again submit that all the amendments have to be opposed.

The motions of Mr. Atul Krishna Ghose that in clause 4(*2*), in lines 3 to 5, the expression beginning with the words "and shall" and ending with the word "market" at the end be omitted, and that clause 4(*4*) be omitted, were then put and lost.

The motion of Mr. Md. Abul Fazl that in clause 4(*5*), lines 3-6, for the expression beginning with the words "no fees" and ending with the word "it" at the end, the words "such exemption as appears to them to be equitable" be substituted, was then put and lost.

The motion of Mr. Surendra Nath Biswas that in clause 4(*4*), in line 5, for the word "fifty" the word "five" be substituted, was then put and a division called.

The motion of Mr. Surendra Nath Biswas that in clause 4, for sub-clause (*6*), the following new sub-clause be substituted, namely:—

> "(*6*) The proprietor of a market who is in actual charge and in direct control of such market either as the owner or lessee thereof or on behalf of the owner or lessee shall be responsible, and where the number of such proprietor is more than one all such proprietors shall be jointly and severally responsible, for carrying out the provisions of this Act and the conditions set out in the licence for the market",

was then put and a division called.

(After the division bell stopped ringing.)

Mr. SPEAKER: There will be one division and if you agree there will be two divisions recorded in the proceedings.

Before I adjourn I might say that after this members can go for prayer. After the prayer interval, I will announce the division result and after that no visitor will be allowed to remain in the House, as I understand the House wants to discuss the petrol rationing scheme. That will be discussed after the adjournment. Is there any objection?

Mr. Khwaja SHAHABUDDIN: Sir, may I suggest it being taken up to-morrow?

Mr. SANTOSH KUMAR BASU: Sir, do we understand that the House will stand adjourned after this?

Mr. SPEAKER: I have no objection.

Mr. SYED JALALUDDIN HASHEMY: Sir, our cars are all stopped.

Mr. SPEAKER: I think I will better announce the division result after the prayer interval. So members will please come back after the interval.

(At this stage the House was adjourned for fifteen minutes.)

(After adjournment.)

Mr. Speaker declared the results of the division.

The following is the result of the division of the motion of Mr. Surendra Nath Biswas that in clause 4 (4), in line 5, for the word "fifty" the word "five" be substituted:—

AYES—26.

Abul Fazl, Mr. Md.
Banerji, Mr. Satya Priya.
Basu, Mr. Santosh Kumar.
Biswas, Mr. Surendra Nath.
Chakrabarty, Babu Narendra Narayan.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Hasseddin Ahmed, Mr.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Pain, Mr. Barada Prosanna.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sen, Mr. Atul Chandra.
Shamsuddin Ahmed, Mr. M

NOES—91.

Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hamid, Mr. A. M.
Abdul Karim, Mr.
Abdul Majid, Mr. Syed (Noakhali).
Abdul Motaleb Malik, Dr.
Abdul Wahab Khan, Mr.
Abdullah-Al Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abdur Rauf, Khan Bahadur Shah (Rangpur).
Abdur Razzak, Maulvi.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alifazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Bell-Hart, Miss P. B.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D., C.I.E.
Gomes, Mr. R. A.
Grimths, Mr. C.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Haddow, Mr. R. R.
Hafizuddin Choudhuri, Maulvi.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Miles, Mr. C. W.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Norton, Mr. H. R.
Pottinger, Mr. G. U.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Shahabuddin, Mr. Khwaja, C.B.E.
Sirdar, Babu Litta Munda.
Speller, Mr. J. H.
Smith, Mr. H. Brabant.
Stark, Mr. A. F.
Stevens, Mr. J. W. R.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yousuf, Mirza.
Yusuf Ali Choudhury, Mr.

The Ayes being 26 and the Noes 91, the motion was lost.

The following is the result of the division of the motion of Mr. Surendra Nath Biswas that in clause 4, for sub-clause (*6*), the following new sub-clause be substituted, namely:—

"(*6*) The proprietor of a market who is in actual charge and in direct control of such market either as the owner or lessee thereof or on behalf of the owner or lessee shall be responsible, and where the number of such proprietor is more than one all such proprietors shall be jointly and

severally responsible, for carrying out the provisions of this Act and the conditions set out in the licence for the market":

AYES—26.

Abul Fazl, Mr. Md.
Bagerji, Mr. Satya Priya.
Basu, Mr. Santosh Kumar.
Biswas, Mr. Surendra Nath.
Chakrabarty, Babu Narendra Narayan.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Pain, Mr. Barada Prosanna.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sen, Mr. Atul Chandra.
Shamsuddin Ahmed, Mr. M.

NOES—91.

Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hamid, Mr. A. M.
Abdul Karim, Mr.
Abdul Majid, Mr. Syed (Noakhali).
Abdul Metaleb Malik, Dr.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abdur Rauf, Khan Bahadur Shah (Rangpur).
Abdur Razzak, Maulvi.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Aftazuddin Ahmed, Khan Bahadur Maulvi.
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Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Bell-Hart, Miss P. B.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D., C.I.E.
Gomes, Mr. R. A.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Haddow, Mr. R. R.
Hafizuddin Choudhuri, Maulvi.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
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Hasina Murshed, Mrs. M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
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Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Miles, Mr. C. W.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Norton, Mr. H. R.
Pettinger, Mr. G. U.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Shahabuddin, Mr. Khwaja, C.B.E.
Sirdar, Babu Litta Munda.
Speller, Mr. J. H.
Smith, Mr. H. Brabant.

Stark, Mr. A. F.
Steven, Mr. J. W. R.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.

The Ayes being 26 and the Noes 91, the motion was lost.

Petrol Rationing.

Mr. SPEAKER: I discussed this matter. The Hon'ble Minister wants time and I feel that probably it will be better if the petrol rationing matter comes up for discussion to-morrow. At that time the House will be cleared of all others. The discussion will be entirely amongst ourselves and if any conclusion is arrived at, it will not form part of the proceedings.

The Bengal Markets Regulation Bill, 1941.

Mr. SPEAKER: We were dealing with clause 4. There is just one matter which Government might consider, namely, whether sub-clause (6) of this clause should not be a separate clause by itself, because in this sub-clause a liability is mentioned not merely for this clause but also for all other clauses. I think that a suitable change should be made and we can make it an independent clause.

The question that clause 4 stand part of the Bill was then put and agreed to.

Clause 5.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 5 (2) (*e*), line 6, for the words "adequate space" the words "space considered adequate by the prescribed authority" be substituted.

Sir, there is no explanation of the word "space". The word "adequate" is rather vague. So, I submit, Sir, that there should be some authority to define what is adequate. That is why, Sir, I have moved this amendment.

Mr. ATUL KRISHNA GHOSE: Sir, I beg to suggest that in clause 5 in sub-clause (2) (*g*), in line 4, after the word "provided" the words "by the Union Board" be inserted.

Sir, sub-clause (2) (*g*) reads thus——

Mr. SPEAKER: Do you mean to say that this is merely laying down a condition for the licence and therefore the union board has got nothing to do with that?

Mr. ATUL KRISHNA GHOSE: I am coming to that, Sir. Sub-clause (*2*) (*g*) reads: "Adequate arrangements for conservancy and drainage in the market for persons and animals attending the market shall be provided, having regard to the local conditions"——

Mr. SPEAKER: You want that there should be a separate section?

Mr. ATUL KRISHNA GHOSE: Sir, the question is this: Government wants that the proprietors of markets should do all these things, whereas I want that if Government wants to get these things done, let them be done by the union board.

Mr. SPEAKER: Who will pay?

Mr. ATUL KRISHNA GHOSE: The union board will pay. What I mean to say is that the condition is being imposed upon the proprietors of markets. That is what I oppose.

Now, Sir, the Hon'ble Minister accused me of unlicensed tongue. Let me now speak with restraint and licensed tongue.

Mr. SPEAKER: I hope there will be some difference! (Laughter.)

Mr. ATUL KRISHNA GHOSE: Now, Sir, Government wants that the proprietors of markets should make adequate arrangements for conservancy, drainage, etc. May I ask the Hon'ble Minister whether taking advantage of these conditions power will not be abused by people who have other reasons to be annoyed with the proprietors?

The Hon'ble Minister in reply to my previous amendment said that "this is an abuse of power". May I not at the same time say that by imposing these conditions on the proprietors of markets they are giving loopholes and openings to the opponents of proprietors of markets to create various difficulties and to lodge complaints against them and to put them to unnecessary difficulties? It is a known fact that in normal circumstances nowhere in the village there is drainage system whatsoever. There is nowhere in the village any arrangement for conservancy or drinking water. The Government want specifically these things to be done by the proprietors of markets simply because they happen to be proprietors not because of any other offence committed by them, knowing it fully well that it is impossible to make any arrangement for drinking water. If you go to a market in a village and ask for drinking water, they will direct you to the river, which is the only place where people go to drink water. The Hon'ble Minister is not unaware of that fact. What about the question of drainage? Now, Sir, it is impossible to make arrangements for drainage in the market. The proprietor of a market cannot of his own

wish make all these arrangements. There must be some space in the market to make the drainage system. But so far as my knowledge goes, most of the markets are fully packed up. There is hardly any space to extend or do anything of a constructive nature.

Sir, in reply to one question with regard to the arrangement of latrine in the steamers, the Hon'ble Minister in charge of Communications and Works gave a similar reply that the steamers have been constructed in such a way that it is now impossible to make separate arrangements for latrine for the inter-class passengers. Where there is no space, the proprietor cannot create space. Government may make legislation and order these things. But who is to execute that order? How that order is to be executed is the question. There is one provision regarding local conditions and surroundings. I would like to draw the attention of the Hon'ble Minister to the fact that the opponents of these proprietors would take advantage of these conditions and create difficulties for them. They might even drag the proprietors to court in litigation and would be punishing them for all these so-called offences which are beyond their capacity to perform and which if I may say so, are beyond the capacity of the present Government to execute. When under the succeeding clauses of this Bill the Government take up the administration of the market for default of a licence or registration, what are they themselves going to do? When Government take up the management, then the provisions will be altogether different. They are at liberty to do only those things that will be possible within the income or the profit of the proprietor. But if the markets are under the management of proprietors, there is no limit of demands. There is no attempt to see whether the drainage system, the conservancy system, is within the means of the proprietors or not. There is a differential treatment when the Government take up the management. Government want to do everything within the scope of the profit of a particular market whereas if a proprietor is in charge of that market, Government will order him to carry out all these things without giving any facility or without giving any thought to the question as to how far it will be possible for him and how far his circumstances will permit him to do these things. These are the suggestions which I would like to put before the Hon'ble Minister for his consideration before we hastily pass this section. I hope the Hon'ble Minister will reconsider this matter before he comes to some definite conclusion.

Mr. SURENDRA NATH BISWAS: Sir, will you kindly allow me to move the amendment which is in the name of Mr. Debi Prosad Khaitan?

Mr. SPEAKER: No, not now. I would have given you permission, if you had stood up at the time when the amendment was called.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I oppose the amendment No. 117 of Mr. Md. Abul Fazl because, it is, I think, altogether unnecessary. Those in charge of the administration of the Act will be able to decide whether the space is adequate or not. For that a separate authority need not be prescribed.

As regards the suggestion of Mr. Atul Krishna Ghose, I am surprised that of all the sub-clauses he has fallen foul of sub-clause (*g*) which makes provision for adequate conservancy and drainage arrangements. I thought that every one was unanimous that so far as the health of the community was concerned, it should deserve consideration not only of the Government but of all responsible people. In a market place where a large number of people assemble, it is very necessary that there should be adequate conservancy and drainage arangements. Mr. Ghose, I think, knows that many of the diseases that Bengal suffers from are propagated through these market places and in many other respects the condition of market places is extremely deplorable. He should consider also this fact that under the Local Self-Government Act there is a provision under which the District Boards can compel proprietors to make adequate conservancy and drainage arrangements in the markets owned by them. This is not a new thing which the Government is going to introduce. I am surprised that my friend takes exception to a provision of this nature. I need hardly reply to all the various extraneous things which he introduced in the course of his speech.

The motion of Mr. Md. Abul Fazl that in clause 5 (*2*) (*e*), line 6, for the words "adequate space" the words "space considered adequate by the prescribed authority" be substituted, was then put and lost.

The question that clause 5 stand part of the Bill was then put and agreed to.

Clause 6.

Mr. SPEAKER: Mr. Morgan, are you moving your amendment No. 127?

Mr. G. MORGAN: I am moving some other amendments and not this.

Sir, I beg to move that in sub-clause (*2*) of clause 6 for the words, brackets, figure and letters "referred to in sub-section (*1*) in respect of a matter referred to in clauses (*a*), (*b*) and (*c*) of that sub-section" the words, brackets, letter and figures "under sub-section (*1*) and every recommendation made by a local body under sub-section (*1a*)" be substituted.

It is merely a drafting amendment.

I also beg to move that in sub-clause (*1*) of clause 6, for the portion commencing with the words "The District Board or the Union Committee" and ending with the words "within the local limits of their respective jurisdictions" the following be substituted, namely:—

"The District Board or the Union Committee constituted under the Bengal Local Self-Government Act of 1885 and the Union Board constituted under the Bengal Village Self-Government Act, 1919, may, to the prescribed authority in respect of a market other than a fair or *mela* within the local limits of their respective jurisdictions."

I further beg to move that after sub-clause (*1*) of clause 6 the following sub-clause be inserted, namely:—

"(*1a*) The District Board, the Union Committee or the Union Board so constituted in respect of a fair or *mela* within the local limits of its jurisdiction, and the Commissioners of a Municipality constituted under the Bengal Municipal Act, 1932, and the Corporation of Calcutta constituted under the Calcutta Municipal Act, 1923, in respect of a market within the local limits of their respective jurisdictions, may recommend to the prescribed authority the kinds and the rates of the market fees and other charges which may be levied in such fair or *mela* or in such market, as the case may be."

I beg to move that in paragraph (*a*) of sub-clause (*3*) of clause 6, after the word, brackets and figure "sub-section (*1*)" the words, brackets, figure and letter "or in sub-section (*1a*)" be inserted.

Sir, these are mere drafting changes.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, these are merely drafting amendments. I am grateful to my honourable friend that these will improve the draft. They are acceptable to Government.

Mr. SYED JALALUDDIN HASHEMY: Sir, to me it appears that the introduction of Calcutta Corporation and Bengal Municipalities is absolutely unnecessary. The Calcutta Corporation as constituted under the Calcutta Municipal Act of 1923 and Bengal Municipalities as constituted under the Bengal Municipal Act of 1932 have their own rules approved by the Government. They can function in the way they think proper. They can issue licence and at the same time if they think it necessary they can withdraw licence. They can start a *mela* or give permission to start a *mela;* they can close it if they like. They have got their self-sufficient institutions. Therefore, the introduction of Calcutta Corporation and Bengal Municipalities is absolutely redundant. Sir, when there is any breach of any condition of the licence, the Calcutta Corporation can take action and close the market

according to their bye-rules framed under the Calcutta Municipal Act of 1923. I do not understand what was in the mind of Government to introduce Calcutta Corporation and Bengal Municipality.

Sir, with regard to the private market for which Calcutta Corporation are empowered to issue licence under specific sections of Calcutta Municipal Act and rules framed thereunder, they can close that private market at any time they like without the help of any executive authority, even without going to the court of the Municipal Magistrate.

The same applies to Bengal Municipalities as constituted under the Bengal Municipal Act of 1932. They have got their own rules and the markets owned by them or private markets within their jurisdiction can be stopped by them at any time they like. They can withhold licence for any instance of breach of the conditions of the licence.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I feel that here again there is a little misunderstanding because the Calcutta Corporation and the municipalities are being empowered to make certain recommendations and amongst these recommendations is also a recommendation about the kinds and rates of the market fees and other charges which may be levied in such markets. Government proposes to regulate all markets including those within the jurisdiction of the Calcutta Corporation and also within the jurisdiction of the municipalities in certain respects. In respect of fees for example, the fees and charges that are realised from the persons visiting those markets are proposed to be regulated by Government. Even if a market is situated within a municipal area Government proposes that fees that are realised from sellers of commodities in those markets should be regulated. Therefore, if the fees and charges have to be regulated, it is only fair that the Calcutta Corporation and the municipalities that give licence to the proprietors of these markets should be first of all consulted as to what should be the fee. If these bodies, namely, the Corporation and the municipalities were not consulted as to the fees which Government proposes to fix, then these bodies could have entertained a genuine grievance. Therefore, instead of this being an impediment this gives the power to these bodies to make certain recommendations regarding fees and as such I think this is a very salutary provision.

The motion of Mr. G. Morgan that in sub-clause (*2*) of clause 6 for the words, brackets, figure and letters "referred to in sub-section (*1*) in respect of a matter referred to in clauses (*a*), (*b*) and (*c*) of that sub-section" the words, brackets, letter and figures "under sub-section (*1*) and every recommendation made by a local body under sub-section (*1a*)" be substituted, was then put and agreed to.

The motion of Mr. G. Morgan that in sub-clause (*1*) of clause 6 for the portion commencing with the words "The District Board or the Union Committee" and ending with the words "within the local limits of their respective jurisdictions" the following be substituted, namely:—

> "The District Board or the Union Committee constituted under the Bengal Local Self-Government Act of 1885 and the Union Board constituted under the Bengal Village Self-Government Act, 1919, may, to the prescribed authority in respect of a market other than a fair or *mela* within the local limits of their respective jurisdictions",

was then put and agreed to.

The motion of Mr. G. Morgan that after sub-clause (*1*) of clause 6 the following sub-clause be inserted, namely:—

> "(*1a*) The District Board, the Union Committee or the Union Board so constituted in respect of a fair or *mela* within the local limits of its jurisdiction, and the Commissioners of a Municipality constituted under the Bengal Municipal Act, 1932, and the Corporation of Calcutta constituted under the Calcutta Municipal Act, 1923, in respect of a market within the local limits of their respective jurisdictions, may recommend to the prescribed authority the kinds and the rates of the market fees and other charges which may be levied in such fair or *mela* or in such market, as the case may be",

was then put and agreed to.

The motion of Mr. G. Morgan that in paragraph (*a*) of sub-clause (*3*) of clause 6 after the word brackets and figure "sub-section (*1*)" the words, brackets, figure and letter "or in sub-section (*1a*)" be inserted, was then put and agreed to.

The question that clause 6 as amended stand part of the Bill was then put and agreed to.

Clause 7.

Mr. ATUL KRISHNA GHOSE: Sir, I beg to move that after clause 7 (*2*), the following new sub-clause be inserted, namely:—

> "(*2a*) The Provincial Government shall fix up the fees or charges or the rates of such fees and charges in a uniform way all over Bengal."

Sir, this point was raised in discussing my previous amendment and now I would like to draw your attention to the fact that by dealing with market fees and other charges the position has become really

a precarious one. It suggests that the proprietors will submit some rate of fees and some Government official, the District Magistrate or the Subdivisional Officer will give a hearing and he will fix up some fees which will again go up to Government for final approval.

Mr. SPEAKER: So far as this section (section 7) is concerned, you mean to say that whatever might be the rate which the proprietor of a market wants to levy in the market, the Provincial Government should fix up a uniform rate of fees. In other words, your intention is that the proprietor of a market say in Barasat or in Basirhat, should charge the same rate as the proprietor of a market in Jessore. Take, for instance, if a man in Calcutta charges Rs. 5, then according to your amendment, a man in Jessore should also charge Rs. 5. It is not Government charge, it is the proprietor's own charge.

Mr. ATUL KRISHNA GHOSE: Yes, Sir, but that will be approved by Government.

Mr. SPEAKER: Never mind that.

Mr. ATUL KRISHNA GHOSE: Taking your statement, Sir, I say that if the fee for one market for one maund of rice in Jessore be fixed at one anna, and if in Khulna for the same quantity of rice the fee be fixed at 2 annas——

Mr. SPEAKER: I think, you are doing the greatest injury to the proprietor by this clause.

Mr. ATUL KRISHNA GHOSE: No, Sir. It will benefit neither the proprietors nor the Government, but it will benefit the consumer. Ultimately it is the consumer who will have to pay the fees. As a humble student of economics I may draw your attention to the fact that if the rate of fees vary in different markets, say in the district of Faridpur for which naturally Hon'ble Mr. Tamizuddin will have a soft corner, there are three markets, Nos. (1), (2) and (3), and if the fee for one maund of rice in market No. (1) is charged at one anna, in No. (2) six pies, and in No. (3) three pies, what will be the result? The result will be that the dealers who will go to market No. (3) will have to pay a market fee of three pies, whereas those who will go to market No. (1) will have to pay one anna. So they will not go there. They will be entitled to sell that one maund of rice paying a fee of less than one anna in market No. (3) while in another market they will have to pay one anna for selling the same quantity of rice. This difference of three pies and one anna will invariably affect both the purchaser and the consumer. Ultimately the consumer will have to bear the burden. It has got nothing to do with the proprietor. The proprietor with the

sanction of the District Magistrate and ultimately with the sanction of Government will have his usual fee which may be one anna, nine pies, six pies or three pies, but it is the consumer who will have to bear the burden, because the dealers in rice will take their added price, I mean the market fee from the consumers. So, Sir, I would humbly submit that this is a condition not for the proprietors but for the consumers. The consumers will ultimately have to bear the burden of this tax, call it market fees, call it rates, call it taxes, whatever you might like to say. This difference of taxation will be borne by the consumers and those consumers in the case of rice, in the case of jute and in the case of some other essential materials, are the most ordinary public. It is they who will be affected by this differentiation of treatment, call it differentiation of rate, differentiation of tax, or anything else you may like to call it; personally I would like to call it differentiation of market fees. Now, in view of these facts I challenge the Hon'ble Mr. Tamizuddin Khan if he can contradict me from the economic point of view when I say that this tax will be borne by the consumer. If anybody in this House can show from the economic point of view that this tax will not be borne by the consumer, then I am ready to withdraw my amendment. But if it is borne by the consumer——

Mr. SPEAKER: Centuries back, it was said that challenges are always very serious matters.

Mr. ATUL KRISHNA GHOSE: But here in parliamentary matters challenges are things of daily occurrence. On that principle I challenge the Hon'ble Mr. Tamizuddin Khan and the Government proper that if they can show reasons from the economic point of view, if they can quote any authority according to which this differentiation of rate will not ultimately affect the consumer, then I am ready to withdraw my amendment; otherwise let them accept my amendment.

Mr. PUSPAJIT BARMA: Sir, I beg to move that in clause 7(4), lines 4 and 5, the words "one anna and above of" be omitted.

Sir, I think the receipt should be granted to all the persons visiting the markets for selling. Persons who will not get receipts under this Act will not be able to know why they are paying the charges, whether they are market fees or other charges. There is another reason for granting receipt to those persons who will pay fees amounting to less than one anna. The reason is that if they are not granted receipts, the agents of the proprietors of the markets may charge double fees to those persons who pay less than one anna as market fees. So, if receipt is granted to those persons who pay less than one anna as market charge, the double collection can be avoided.

Mr. G. MORGAN: Sir, I beg to move that in sub-clause (2) of clause 7 for the words "from time to time" in line 8, the words "subject to like conditions" be substituted.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, as regards Mr. Morgan's amendment, I am prepared to accept it.

Mr. Atul Krishna Ghose in moving his amendment has thrown out another challenge to Government. I am sorry to say, Sir, that the advice given is a very bad advice and is not acceptable to Government. He wants to provide in the body of this measure that fees all over Bengal must be uniform. The honourable members will see that fees, will be fixed by Government after very elaborate investigations. Sir, the conditions in various parts of the province must differ and it may be necessary to fix different fees in different parts of the province. If the Government find that it is feasible and desirable to fix a uniform fee, it will be within the power of the Government to do so under the measure as it now stands. On the other hand, if Mr. Ghose's amendment is accepted, then Government will be bound to fix a uniform fee all over Bengal. Without examining the conditions, without making proper investigations, it is too early to say now whether it will be possible or whether it will be desirable to fix a uniform fee all over Bengal. I, therefore, oppose this amendment.

The other amendment, namely, the amendment of Mr. Puspajit Barma is also not acceptable. In the beginning I think it will be too cumbrous if small realisations under one anna have to be given receipt for. We should begin with receipt for amounts of one anna and above.

The motion of Mr. G. Morgan that in sub-clause (2) of clause 7 for the words "from time to time" in line 8 the words "subject to like conditions" be substituted, was then put and agreed to.

The motion of Mr. Atul Krishna Ghose that after clause 7 (2), the following new sub-clause be inserted, namely:—

"(2a) The Provincial Government shall fix up the fees or charges or the rates of such fees and charges in a uniform way all over Bengal",

was then put and lost.

The motion of Mr. Puspajit Barma that in clause 7 (4), lines 4 and 5, the words "one anna and above of" be omitted, was then put and lost.

The question that clause 7 as amended stand part of the Bill was then put and agreed to.

Clause 8.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 8, in proviso to sub-clause (1a), paragraph (h), be omitted.

I also beg to move that paragraph (*j*) of the proviso to clause 8(*1a*) be omitted.

Sir, with your permission, I shall move amendment No. 180 later on.

Mr. SPEAKER: No. Move them all together and I shall put them separately.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 8 in proviso to sub-clause (*1a*) in paragraph (*i*) for the words "excessive moisture" the words "the presence of moisture in excess of the prescribed percentage" be substituted.

I also beg to move that in clause 8 (*2*) in lines 5 and 6, the words "or such other allowance as may be prescribed" be omitted.

The Hon'ble Mr. TAMIZUDDIN KHAN: I accept amendments Nos. 179, 180 and 181 and I oppose amendment No. 183.

The motions of Mr. Surendra Nath Biswas—

that in clause 8, in proviso to sub-clause (*1a*), paragraph (*h*) be omitted;

that in clause 8, in proviso to sub-clause (*1a*) in paragraph (*i*) for the words "excessive moisture" the words "the presence of moisture in excess of the prescribed percentage" be substituted; and

that paragraph (*j*) of the proviso to clause 8 (*1a*) be omitted,

were then put and agreed to.

The motion of Mr. Surendra Nath Biswas that in clause 8 (*2*), in lines 5 and 6, the words "or such other allowance as may be prescribed" be omitted, was then put and lost.

The question that clause 8 as amended stand part of the Bill was then put and agreed to.

Clause 9.

The question that clause 9 stand part of the Bill was then put and agreed to.

Adjournment.

The House was adjourned at 7-45 p.m. till 4-45 p.m. on Wednesday, the 20th August, 1941, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 20th August, 1941, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 9 Hon'ble Ministers and 201 members

STARRED QUESTIONS

(to which oral answers were given)

Nursing arrangement in mufassal hospitals.

***83. Maulvi MANIRUDDIN AKHAND:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether there is any nursing arrangement in mufassal hospitals including subdivisional hospitals?

(*b*) If the answer to (*a*) is in the negative, is the Hon'ble Minister considering the desirability of making provisions for nursing arrangements in mufassal hospitals?

Mrs. HASINA MURSHED (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Some arrangements for nursing exist in some of the mufassal hospitals. A statement showing the hospitals where there are such arrangements for nursing and the details of the staff employed, is laid on the Library Table.

(*b*) The question of improving the nursing arrangements in mufassal hospitals is under the consideration of Government.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble the Lady Parliamentary Secretary——

Mr. SPEAKER: The Parliamentary Secretary is good enough without any adjectives. (Laughter.)

Mr. SURENDRA NATH BISWAS: Will the Parliamentary Secretary be pleased to state whether in appointing the nurses in hospitals, as will appear from the statement laid on the Library Table, the question of the number of patients allotted to one nurse has been considered?

Mrs. HASINA MURSHED: The information is not readily available.

Starred Questions Nos. 84 and 85.

(Then, as usual, Starred Question No. 84 was called out.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, this also comes within that category of questions regarding which you have directed that they should be held over.

Mr. SPEAKER: Yes, this question should be held over.

(Starred Question No. 85 was also held over for the very same reason.)

Motor Vehicles Tax grant to Kishoreganj Municipality.

***86. Mr. MONMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact—

(*i*) that the Kishoreganj Municipality received normally the Motor Vehicles Tax grant till the year 1937-38;

(*ii*) that it received a special grant in the year 1939-40?

(*b*) Will the Hon'ble Minister be pleased to state the reason why the normal grant has been denied to the municipality?

(*c*) Is it a fact that all the roads running over the municipality are motorable and maintained by the municipal body?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate to make a normal grant to the municipality from the current year?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) No.

(*ii*) No, it received a sum of Rs.100 during 1939-40 as normal share.

(*b*) Its annual expenditure on roads does not entitle it to a normal grant every year.

(*c*) I am informed that there are some roads within this municipality which are not motorable.

(*d*) Does not arise.

Mr. MONMOHAN DAS: With reference to answer (c), will the Hon'ble Minister be pleased to state the details of the information he has received that the roads within this municipality are not motorable?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I have said that there are some roads which are not motorable.

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state on what basis is the Motor Vehicles Tax grant distributed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, that is a complicated business. We take into consideration the average expenditure on roads of the local bodies and the total amount of tax on motor vehicles realised in the district. A ratio is maintained between the two while distributing the district allotment. Only one condition is insisted upon, i.e., to maintain the average expenditure.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the names of particular roads which, according to his information, are not motorable?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I want notice.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether he is aware that in mufassal towns, though strictly the roads are not motorable, buses and taxis ply through these roads?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, Sir, I am aware of this fact, and in order to improve matters we are considering if we can distribute the Motor Vehicles Tax more equitably to the various local bodies under the altered conditions caused by the increase of motor traffic in general.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to answer (*b*) that the annual expenditure on roads by the Kishoreganj Municipality does not entitle it to a normal grant every year, will the Hon'ble Minister be pleased to state what annual expenditure on roads would entitle this municipality to a normal grant every year?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, we only insist on the normal average expenditure being maintained by the various local bodies on roads. The figure of one municipality differs from that of another.

Mr. NIHARENDU DUTTA MAZUMDAR: In view of the Hon'ble Minister's answer that although roads are not motorable, yet roads are used for motor service, will the Hon'ble Minister be pleased to state whether Government will be considering the desirability of making annual grants to the municipality for improvement of these roads?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I am afraid, the fund at our disposal does not permit us to give more money to these small municipalities like the one mentioned in the question.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state on what basis the funds at the disposal of Government for the improvement of roads are distributed and what principle, if any, is followed in the distribution of such funds?

Mr. SPEAKER: Whatever that principle may be, you can only ask questions about Motor Vehicles Tax.

Mr. NIHARENDU DUTTA MAZUMDAR: On what principle is that distributed? Does the Government take into account the needs and requirements of various districts?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Thas is exactly what I tried to explain.

Process-servers of Criminal Courts.

*87. **Maulvi ABDUL HAKIM:** (*a*) With reference to the reply given to unstarred question No. 45 of the 30th July, 1940, will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) whether the Government have as yet come to any decision in the matter; and

(*ii*) if so, what are their decisions?

(*b*) If the answer to clause (*a*) (*i*) is in the negative, will the Hon'ble Minister be pleased to state when the decision of Government in the matter may be expected?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) Yes.

(*ii*) Appointment of leave reservists for the process-serving establishments of the Revenue and Criminal Courts has since been sanctioned and process-servers may now get leave on average pay.

(*b*) Does not arise.

Re-excavation of Bishkhali Done in Bakarganj.

***88. Mr. SADARUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether the gauge reading of the Bishkhali Done in the district of Bakarganj has been finished?

(*b*) If so, what is the result of that examination?

(*c*) Do the Government contemplate the re-excavation of the Bishkhali Done this year?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) The gauge readings are under examination with reference to some important tidal details.

(*c*) The question of re-excavation of the channel will be considered after the examination of the gauge readings has been completed.

Damage due to breaches in embankment of Gumti river (Tippera).

***89. Mr. MAQBUL HOSSAIN:** Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(*a*) how many breaches of the Gumti river embankment have taken place in the present rainy season, 1941, in the district of Tippera;

(*b*) when these breaches first occurred;

(*c*) what is the approximate amount of damage caused by the breaches to the surrounding area; and

(*d*) what action do the Government contemplate taking for stopping the breaches?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Eleven breaches occurred in the non-Government portion of the embankment besides one in the Tripura State just on the border of the Tippera district.

(*b*) Five of these breaches occurred on the 6th May, 1941, and the remaining ones between the 9th June, 1941, and the 18th June, 1941.

(*c*) *Aus*, jute and probably *aman* crops in an area of about 100 square miles have been damaged. No monetary estimate of actual damage caused is available.

(*d*) As the water level in the river is rising, it has not been possible to close four breaches at Kahetura, Bhurbhuria and Monoharpur and the one near Golabari in the Tripura State. Other breaches have been closed.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state if he is aware that after a breach occurs in a particular river, water comes down instead of rising up?

Mr. SPEAKER: That question does not arise.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state what are the number of days during which the water rises after the breach in the river?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It is very difficult to say. In one year it may continue to rise for one or two days after the breach in another year it may not rise and the water may decrease.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether water was above the normal surface only for three or four days after the Breach?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I do not know why my friend is anxious to know the number of days during which the water level was high. If he wants those details, I must ask for notice.

Mr. SHAHEDALI: With reference to answer (*d*), I want to know whether Government made any attempt to remedy these breaches after the water subsided.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I am speaking from the report which I received from the local officers when this question was sent to them and, I believe, when the report was written, the river was rising and the breaches were not repaired. It may be that water has gone down by this time and the breaches have been repaired. I do not know the position.

Mr. SHAHEDALI: Will the Hon'ble Minister take proper care in future so that the northern bank of the river might not be subject to breaches every year?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid, it is very difficult to give such an assurance. As a matter of fact, we are now keeping watch over the entire length of the embankment to see that no breaches occur either to the northern or to the southern embankment. But unfortunately when breaches occur, they occur without notice.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether these breaches on the northern side of the river were made by designing people?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: We have no information.

Honorary House Surgeons and Clinical Assistants in Campbell Medical School.

***90. Mr. SIBNATH BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state the procedure of filling up the following posts in the Campbell Medical School, Calcutta:—

(1) Honorary House Surgeons;

(2) Honorary Clinical Assistants;

(3) Residential Medical Officer; and

(4) Honorary Registrars?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing for January, 1940, to January, 1941,—

(*i*) the number of—

(1) Honorary House Surgeons,

(2) Honorary Clinical Assistants,

(3) Honorary Registrars, and

(4) Paid Clinical Assistants,

appointed in the Campbell Medical School;

(*ii*) the names of the persons appointed;

(*iii*) the length of their Honorary service, if any;

(*iv*) the number of applications received for the post of Honorary Registrar; and

(*v*) the name of the applicants with the date of their application?

Mrs. HASINA MURSHED (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) A statement is laid on the Table.

(*b*) (*i*) A statement is laid on the Table.

(*ii*) A statement is laid on the Library Table.

(*iii*) A statement is laid on the Table.

(*iv*) The number is as given below:—

February, 1940,—13.

August, 1940,—12.

February, 1941,—17.

(*v*) A statement is laid on the Table.

Statement referred to in the reply to clause (a) of starred question No. 90.

1. *Honorary House Surgeons.*—These are selected from the passed students of the Campbell Medical School in order of merit and in accordance with the Bengal Service Recruitment (Communal Ratio) Rules, 1940.

2. *Honorary Clinical Assistants.*—These are selected from amongst those who do not get the appointments in (1).

3. *Resident Medical Officers.*—These are selected from the Honorary House Surgeons and Physicians in order of merit and according to the Bengal Service Recruitment (Communal Ratio) Rules, 1940.

4. *Honorary Registrars.*—These are selected from amongst those who have worked for one year in the Campbell Hospital in an Honorary or paid capacity.

Statement referred to in reply to clause (b) (i) of starred question No. 90.

	February, 1940.	August, 1940.	February, 1941.
(1) Honorary House Surgeons and Physicians	12	12	12
(2) Honorary Clinical Assistants ..	47	40	27
(3) Honorary Registrars ..	4	7	6
(4) Paid Clinical Assistants ..	7	7	7

Statement referred to in reply to clause (b) (iii) of starred question No. 90.

(1) *Honorary House Surgeons and Physicians.*—Nil.

(2) *Honorary Clinical Assistants.*—Out of 27 appointed in 1941 only 4 had 6 months' honorary service. Other records have been destroyed.

(3) *Honorary Registrars.*—Honorary service more than one year or not less than 6 months.

(4) *Paid Clinical Assistants.*—Six months' honorary service as Honorary House Surgeon and Honorary House Physician.

Statement referred to in reply to clause (b) (v) of starred question No. 90.

Name and date of application.	
February, 1940.	
1. Dr. Amitava Maitra	Not available as original applications have not been preserved.
2. Dr. Abani Bhusan Mukherjee	
3. Dr. Braja Gobinda Saha	
4. Dr. Himanshu Mohan Das	
5. Dr. Birendra Krishna Basu	
6. Dr. M. A. Mohsin	
7. Dr. Haripada Chakravarti	
8. Dr. Krishna Ch. Mukherjee	
9. Dr. Mohammad Abdur Rauf	
10. Dr. Narendra N. Bhattacherjee	
11. Dr. Manindra Nath Basu	
12. Dr. Dulalpada Sadhu	
13. Dr. Sureswar Ganguli	

Name and date of application.	
August, 1940.	
1. Dr. M. Yusuf	Not available as original applications have not been preserved.
2. Dr. Baidyanath Sen	
3. Dr. Barunananda Roy	
4. Dr. Ashutosh Das Gupta	
5. Dr. Durgapada Bhattacherjee	
6. Dr. Abani Bhusan Mukherjee.	
7. Dr. Md. Idris	
8. Dr. Ushakanta Roy	
9. Dr. Salil Kumar Dutta	
10. Dr. Anath Bandhu Dutta	
11. Dr. Bhupendra Nath Sarkar	
12. Dr. Arun Kumar Kar.	

February, 1941.

1. Dr. Anabil Kumar Dutta Gupta—8th January, 1941.
2. Dr. Habibullah Khan—11th January, 1941.
3. Dr. Jyotish Chandra De—10th January, 1941.
4. Dr. Nirmalendu Biswas—11th January, 1941.
5. Dr. Dhirendra Ch. Ghosh—13th January, 1941.
6. Dr. Narayan Prosad Samanta—14th January, 1941.
7. Dr. Dhirendra Ch. Ghosh—13th January, 1941.
8. Dr. Satrusadan Mukherjee—8th January, 1941.
9. Dr. A. G. Nabi Siddique—7th January, 1941.
10. Dr. Satish Chandra Dutta—11th January, 1941.
11. Dr. Ajit Kumar Basu—11th January, 1941.
12. Dr. Nripendra Nath Mondal—10th January, 1941.
13. Dr. Ajit Kumar Das—10th January, 1941.
14. Dr. Dhirendra Nath Ghosal—7th January, 1941.
15. Dr. Harihar Goswami—10th January, 1941.
16. Dr. Brojagobinda Saha—7th January, 1941.
17. Dr. Rabindra Nath Banerjee—6th January, 1941.

Resolutions passed at Arial Bil Conference.

***91. Mr. KIRAN SANKAR ROY:** (*a*) Has the attention of the Hon'ble Minister in charge of the Communications and Works Department been drawn to the resolutions passed unanimously at the Arial Bil Conference held at Mailkanda in the district of Dacca on the 14th January, 1941, under the Presidentship of Dr. Suresh Chandra Banerjee, M.L.A.?

(*b*) If so, will the Hon'ble Minister be pleased to state whether he contemplates making any enquiry into the allegations made in the said resolutions?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) The honourable member's attention is invited to the reply given to clause (*a*) of unstarred question No. 108 on the 22nd April, 1941.

(*b*) I am concerned only with resolution Nos. 1 and 9 passed by the Arial Bil Conference. Regarding No. 1, I would refer the honourable member to my reply to part (*b*) of the question by Dr. Banerjee. Resolution No. 9, which seeks to establish a connection between the Meghula Bazar *khal* and the Gobindapur *khal* through the Arial *bil* for the purpose of navigation is being referred to the Chief Engineer, Irrigation, for investigation.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Fees from applicants for posts under the Government of Bengal.

64. Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) the amounts and scales of fees that applicants for each class of appointment under the Government of Bengal, had paid and were required to pay during the two years 1939 and 1940 or during any other readily available period; and

(*b*) whether it is a fact that the present practice of levying high fees from applicants for posts under various departments of Government is causing hardship to the unemployed young men and women of the Province?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) A statement is laid on the Table.

(*b*) Government do not consider that the fees levied by the Bengal Public Service Commission are unduly high or such as to cause hardship.

The levy of fees in connection with the selection of candidates by an agency other than the Public Service Commission is rare and Government have under consideration the question of ensuring that such fees, if levied, will not cause hardship.

Statement referred to in reply to clause (a) of unstarred question No. 64.

Class of appointments.	Scales of fees.	Amount of fees realised. 1939.	Amount of fees realised. 1940.
	Rs.	Rs.	Rs.
I. Appointments by selection made by the Public Service Commission ..	5	8,530	4,190
II. Appointments by competitive examination conducted by the Public Service Commission—			
(1) Bengal Civil Service—			
(a) Application fee	5		
(b) Examination fee	50		
(2) Clerkship Examination	10		
(3) Stenographers' Examination ..	10	23,835	21,670
(4) Typists' Examination	5		
(5) Bengal Government Press Apprenticeship Examination	5		
III. Appointments in the Co-operative Department—			
(a) Posts with initial pay of Rs. 100 or less	5	..	5,260
(b) Posts with initial pay of above Rs. 100	10	5,360	7,370
Total		37,725	38,490
Grand Total		76,215	

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the reasons why they are charging the examinees of the Bengal Civil Service with a fee much more than is usually charged for the B.A. Examination? For the Bengal Civil Service Examination they are charging Rs. 50 whereas the fee for the B.A. examination is Rs. 45.

The Hon'ble Mr. H. S. SUHRAWARDY: Presumably the Public Service Commission is of opinion that a candidate for Bengal Civil Service Examination is sitting for an examination more important to him than the B.A. Examination.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether it is because of any cost incurred by the Commission that this amount is being charged or it is for some other reason?

The Hon'ble Mr. H. S. SUHRAWARDY: Fees are charged at the discretion of the Commission.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state how the money obtained by way of fees is disbursed?

The Hon'ble Mr. H. S. SUHRAWARDY: The Public Service Commission has also got to incur certain expenditure for the examination of these candidates.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to answer (*b*), second paragraph, viz., Government have under consideration the question of ensuring that such fees, if levied, will not cause hardship, will the Hon'ble Minister be pleased to state what is the scheme whereby this will be ensured?

The Hon'ble Mr. H. S. SUHRAWARDY: By putting a nominal levy to cover expenditure.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government is also contemplating the advisability of refunding the fees to the unsuccessful candidates?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state how are these fees amounting in this case to a grand total of Rs. 76,215 levied from these unemployed candidates mostly to be utilised and whether Government is considering the desirability of utilising this money for tackling the problem of unemployment?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: The former part does arise, Sir. Let that part be answered, namely, will the Hon'ble Minister be pleased to state how this total sum of Rs. 76,215 levied out of the applicants will be utilised by Government?

Mr. SPEAKER: This is a matter for the Public Service Commission and as such the Hon'ble Minister must get information from them.

The Hon'ble Mr. H. S. SUHRAWARDY: These funds are collected at the instance of the Public Service Commission towards their expenses.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state how much out of the total amount of Rs. 76,215 goes by way of cost and how much remains by way of profit?

Mr. SPEAKER: It cannot possibly be answered unless he gets formation.

Mr. ATUL KRISHNA GHOSE: Sir, Rs. 76,215 have been levied from the unemployed candidates. I want to know how much goes by way of cost and how much is left by way of profit?

The Hon'ble Mr. H. S. SUHRAWARDY: No question of profit and loss arises.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the Finance Department receive any statement of accounts of the fund at the hands of the Public Service Commission?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: We have been just informed that the funds are at the hands of the Public Service Commission?

Mr. SPEAKER: That is no reason why this supplementary question will arise.

Mr. NIHARENDU DUTTA MAZUMDAR: If the Hon'ble Minister will be pleased to answer that——

Mr. SPEAKER: How can he answer?

Mr. NIHARENDU DUTTA MAZUMDAR: Arising out of this; technically this question may be ruled out rightly as you have done, but actually this is a very relevant question although technically it requires notice. The Hon'ble Minister might be pleased to accept short notice and answer this question either to-morrow or day after. Sometimes he volunteers to make statements and go beyond what he is actually asked.

Mr. SPEAKER: As a matter of fact he has volunteered to answer more than one question.

School hours in high schools for boys and girls.

65. Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the average number of periods and hours that the boys and girls respectively, preparing for the Matriculation Examination of the Calcutta University, have to attend at schools of different types, namely, Government schools, aided schools and unaided private schools—

(*i*) daily, and

(*ii*) over the whole week;

(*b*) the average number of periods that are taken up during a week for extra-academic work;

(*c*) whether Government are aware that in many high schools in the mufassal as well as in Calcutta, boys and girls are detained till about 4-45 p.m. in the evening;

(*d*) whether Government are aware that in certain cases girl students, who use school buses for conveyance, have to leave home as early as 8-30 a.m. and cannot return home before 5 p.m. and even later; and

(*e*) whether Government are considering the desirability of investigating into the question as to how far the present arrangement for school hours and prolonged detention are affecting the health of the boys and girls?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) The average number of periods daily is 6 to 7 covering from 5 to 5½ hours.

(*ii*) The average number of periods weekly is 38 to 40 covering from 28 to 30 hours.

(*b*) Seven periods.

(*c*) Yes, in some schools where the supply of midday tiffin is in vogue, students are detained till about 4-45 p.m. in order to enable them to participate in organised games and other physical activities under proper supervision after school hours.

(*d*) Yes, in a few cases a girl student who uses the school bus for conveyance, has to leave home as early as 8-30 a.m.; and she cannot reach home before 5 p.m. and later as the resources of the school do not permit the authorities to arrange for more buses.

(*e*) A Sub-Committee of the Sanitary Board under the Local Government has recently been formed to investigate and report as to the suitability or otherwise of the time of work followed at present in the various institutions of the Province.

Mr. ATUL CHANDRA SEN: In answer (*d*) the Hon'ble the Chief Minister admits that in a few cases a girl student who uses the school bus for conveyance, has to leave home as early as 8-30 a.m.; and she cannot reach home before 5 p.m. and later as the resources of the school do not permit the authorities to arrange for more buses. Will the Government consider the desirability of making special grants to these schools so that they may arrange for more buses?

The Hon'ble Mr. A. K. FAZLUL HUQ: Government have been making advances and grants to schools for purchase of buses, but owing to war conditions and economic conditions prevailing, we have not been able to help the institutions very much, but it was our practice to help the institutions with grants for purchase of buses.

Abolition of piece system in the Bengal Government Press in favour of salary system.

66. Mr. P. BANERJI: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is a fact—

(*i*) that all the piece employees of the Bengal Government Press applied to the Government in 1937 for the abolition of the piece system in favour of salary system; and

(*ii*) that at a conference between Mr. N. R. Sarker, the then Finance Minister to the Government of Bengal, and the President of the Press Employees' Association it was decided that the piece system would be abolished in favour of salary system?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, have been taken in the matter?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) Yes.

(*ii*) As a result of the conference referred to by the honourable member, the Superintendent, Government Printing, was instructed to work out for the consideration of Government, a scheme for the introduction of time-scale salaries in place of the piece system.

(*b*) The proposals of the Superintendent, Government Printing, are under examination.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what steps Government contemplate to take in relation to the memorial which the employees of the Government Press submitted in 1937?

The Hon'ble Mr. H. S. SUHRAWARDY: The answer is there. The Superintendent, Government Printing, was instructed to work out for the consideration of Government a scheme for the introduction of time-scale salaries in place of the piece system. He has worked out certain proposals which are under examination.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state how long has the scheme worked out by the Superintendent, Government Printing Press, been under the examination of Government?

The Hon'ble Mr. H. S. SUHRAWARDY: That I cannot say.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the scheme worked out by the Superintendent of Government Printing Press for the purpose of abolishing piece system of work in the Government Press will be made available for members of this House?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether he is considering the desirability of discussing with the representatives of the Government Press employees this scheme before Government comes to a final opinion about the method to be introduced?

The Hon'ble Mr. H. S. SUHRAWARDY: Not at this stage.

Mr. NIHARENDU DUTTA MAZUMDAR: Is the Government contemplating to do at a later stage then?

The Hon'ble Mr. H. S. SUHRAWARDY: If Government think it necessary they will do so. If they think it unnecessary to consult the employees they will not do so.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the employees of the Government Press will be given an opportunity to place their opinion before Government before any action is taken by Government on the scheme recommended by the Superintendent?

The Hon'ble Mr. H. S. SUHRAWARDY: I am unable to say that until Government comes to some sort of a definite finding on the proposals submitted to Government.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government contemplates to take up the matter for concluding its examination of the Superintendent's scheme by the end of this session?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, there is very little chance of such a happy ending.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what are the difficulties now facing the Government which account for the delay in concluding the examination of the scheme in a short time?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: It arises in this way. Sir, supplementary questions would be certainly on points arising out of the answers. Apart from the answers recorded in the question paper, supplementary answers are given by the Minister and supplementary questions, I hope, you will agree, can arise out of the supplementary answers given. May I ask your ruling on this point for our guidance?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think I have given any reply beyond what is contained in the written answer in spite of several questions asked by the honourable member.

Mr. NIHARENDU DUTTA MAZUMDAR: It is a masterly evasion for which the Hon'ble Minister deserves congratulations.

Irrigation works of Hungar khal at Satkania police-station and of certain channels in Patiya police-station, Chittagong.

67. Maulana MD. MANIRUZZAMAN ISLAMABADI: (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether it is a fact that the Chief Engineer has prepared an estimate for the irrigation works of the

Hungar *khal* in police-station Satkania and of the Barguine, Domkhali, Garuloota, Keranza and other channels in police-station Patiya in the district of Chittagong?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state when the irrigation works of these channels will be taken up?

(*c*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reason thereof?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) Certain outstanding points such as the responsibility for future maintenance in respect of all these projects and the levy of local contribution in respect of all schemes other than the Hungar *khal* still remain to be settled and it is not yet possible to say when a settlement would be reached and the projects taken up.

(*c*) Does not arise.

Training centres for nurses.

68. Mr. DAMBER SINGH GURUNG: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) the present number and names of (1) Government and (2) Government-aided training centres for the nurses; and

(*ii*) the number of girls that are being trained in each of those centres annually?

(*b*) Is the Hon'ble Minister aware that there is a growing demand amongst the girls for such training?

(*c*) If the answer to (*b*) is in the affirmative, is the Hon'ble Minister considering the desirability of starting more centres in suitable places for the training of nurses?

Mrs. HASINA MURSHED (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur of Dacca): (*a*) The information is furnished in the statement laid on the Table.

(*b*) Yes.

(*c*) It is hoped to start the new training school for nurses in the Campbell Medical School in September, 1941, and in the Victoria Hospital, Darjeeling, shortly.

Statement referred to in reply to clause (a) of unstarred question No. 68.

Name of institution.	Number of girls under training.
(1) Institutions under Government.	
Medical College group of Hospitals	127
Presidency General Hospital	86
Sambhu Nath Pandit Hospital	20
Mitford Hospital, Dacca	29
	262

Name of institution.	Number of girls under training.
(2) Institutions aided by Government for training of nurses.	
Arthington Hospital, Chandraghona, Chittagong Hill Tracts	10
Victoria Hospital, Darjeeling*	12

*This training centre to be started shortly.

Mr. SURENDRA NATH BISWAS: Will the Parliamentary Secretary be pleased to state whether the Government have considered the desirability of opening such training centres at every sadar and subdivisional hospitals so that the nurses trained there might be useful to the sadar and the subdivisional hospitals?

Mrs. HASINA MURSHED: This question has engaged and is still engaging Government's attention and they hope to arrive at a satisfactory decision.

Mr. CHARU CHANDRA ROY: Will the Lady Secretary——

Mr. SPEAKER: Order, order, you should say Parliamentary Secretary.

Mr. CHARU CHANDRA ROY: Will the Parliamentary Secretary be pleased to state whether the Government consider the desirability of opening a centre for examination of all nurses working in all the hospitals in Bengal?

Mr. SPEAKER: That is a separate question altogether.

Mr. CHARU CHANDRA ROY: The point is this: I want to know whether Government is aware that there is a crying demand——

Mr. SPEAKER: And therefore there must be a written examination in 4 papers! The question does not arise.

Mr. CHARU CHANDRA ROY: In other hospitals there are many nurses working. If there is a system of examination they may be qualified.

Mr. SPEAKER: Mr. Mazumdar may then ask what will be the nature of the examination.

Mr. CHARU CHANDRA ROY: My point is if there be a system of examination for all the nurses being examined in other hospitals——

Mr. SPEAKER: I am sorry that question does not arise.

Questions over.

Privilege of attendance of convicted members.

Mr. NIHARENDU DUTTA MAZUMDAR: There is a very grave matter to which I want to refer. I seek your guidance as to whether under your prerogative or under the rules there is any means of making a reference to the savage sentence passed upon an honourable member of this House who is also an ex-Minister?

Mr. SPEAKER: Order, order.

Mr. NIHARENDU DUTTA MAZUMDAR: I ask your guidance whether under the rules or under your prerogative this matter cannot be referred to?

Mr. SPEAKER: This is not in order.

Mr. SURENDRA NATH BISWAS: May I say a few words on a point of privilege?

Mr. SPEAKER: Yes, after the Hon'ble Chief Minister has moved his motion.

Bengal Supervision of Orphanage and Widows' Home Bill, 1940.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I beg to submit the *ad interim* report of the Select Committee on the Bengal Supervision of Orphanage and Widows' Home Bill, 1940, sponsored by Begum Farhut Bano Khanam, and to request that the time for submission of the final report may be extended till the 31st August, 1941.

Mr. SPEAKER: Extension of time has been asked for until August. Is it the pleasure of the House to accede to this request? I feel that the time may be extended to the 30th November so that the report may come up in December.

(The extension of time was agreed to.)

The Bengal Pure Food Bill, 1940.

Mr. SPEAKER: In the case of the Pure Food Bill also I think the House will be pleased to extend the time up to 30th November, 1941.

(The extension of time was agreed to.)

Message.

The Secretary then read the following message received from the Bengal Legislative Council:—

"That the Bengal Legislative Council at its meeting held on the 18th August, 1941, agreed to the Bengal Court of Wards (Amendment) Bill, 1941, without any amendments."

Point of Privilege.

Mr. SPEAKER: Mr. Biswas, what is the point of privilege about?

Mr. SURENDRA NATH BISWAS: It is about enabling members of this House who are convicted and put into prison to attend the Assembly meeting.

Mr. SPEAKER: I am sorry you must give me notice of it.

Mr. SURENDRA NATH BISWAS: I may remind you, Sir, of some facts. I and others gave notice of motions and these motions were referred to the Privilege Committee and the Privilege Committee made a recommendation. You remember, Sir, that soon after the recommendation was made, the Hon'ble Deputy Speaker——

Mr. SPEAKER: The whole position as regards the Bill is this. Government are prepared to introduce the Bill and refer it to the Select Committee at any time the House likes. In a Bill of this character all sections of the House should participate. Unfortunately, I could not succeed in persuading certain sections to take part. Any moment I am informed that all sections are prepared to take part in it, the Bill

can be proceeded with. I consider that the question of privilege should be wholly out of the political controversy. It is a matter in which all sections should participate. Any time I am informed that you are agreed, I shall ask the Government to refer the measure to a Select Committee. In case all sections are not agreed, I have no other alternative but to wait.

Mr. SURENDRA NATH BISWAS: Suppose members representing all the parties join, is there any probability of this Bill coming this session?

Mr. SPEAKER: No, at any rate it will be much earlier than otherwise. At least you will have the Bill ready before next session and we can take it up early next session.

Mr. SURENDRA NATH BISWAS: We were assured that the Bill would come up early this session.

Mr. SPEAKER: What can I do? I have already explained to you the difficulty.

Mr. ATUL KRISHNA GHOSE: May I enquire who will enjoy these privileges?

Mr. SPEAKER: I do not know myself.

Mr. SASANKA SEKHAR SANYAL: Since you have been good enough to refer to certain attempts that were made by yourself, so that all sections could take part in the Bill, I may also say that you remember that we on this side of the House tried to approach the matter in a non-party point of view. Our only demand was that the Deputy Speaker's Bill be sent to the Select Committee so that the existing Bill might be extended and enlarged and be studied not merely as a privilege of non-members but also as a privilege of the members.

Mr. SPEAKER: What I feel is this. I consider that both sides should give and take a little in this matter. I find that Government is prepared to discuss every matter in the Deputy Speaker's Bill in connection with Government Bill. I think so far as the members are concerned, they ought to be satisfied with that.

Mr. SASANKA SEKHAR SANYAL: That has not been agreed to by the Hon'ble Sir Bijoy Prasad Singh Roy.

Mr. SPEAKER: I am informed by Mr. Shahabuddin that it would be open to any member of the House who would be in the Select Committee to bring forward every section of the Deputy Speaker's Bill before the Select Committee for discussion.

Mr. SASANKA SEKHAR SANYAL: May I remind you, Sir, of your own question as to whether Government had any objection to any particular amendment?

Mr. SPEAKER: I would suggest to you to make that request to Government Whips. If you can arrange a meeting with the Government Whips, that matter can very well be decided there.

Mr. SASANKA SEKHAR SANYAL: In that vital matter, Sir, as you have suggested, we are always prepared "to give and take", but Government neither gave nor took.

Mr. JOGESH CHANDRA GUPTA: Government always took but never gave!

Petrol-rationing.

Mr. SYED JALALUDDIN HASHEMY: Sir, may I have your permission to raise the question of petrol-rationing now?

Mr. SPEAKER: I propose to take up the petrol-rationing question as soon as the Markets Regulation Bill is finished.

Mr. SYED JALALUDDIN HASHEMY: But if the Markets Regulation Bill is not finished to-day?

Mr. SPEAKER: In any case it will be finished to-day, and I hope it will not take more than an hour. Then I shall take up the petrol-rationing question.

GOVERNMENT BILLS.

The Bengal Markets Regulation Bill, 1941.

(The House then resumed discussion on the Bengal Markets Regulation Bill, 1941.)

Clauses 10 and 11.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 10(*1*), in line 3, after the word "produce", the words "and, in the case of hides and skins, standard specifications of size" be inserted.

Mr. SPEAKER: Your amendment No. 185 is not in order.

Mr. SURENDRA NATH BISWAS: But similar provisions have been made in section 8. So far as trade allowance is concerned, you will find there that trade allowance shall not be realised either in a market or any other place. So, Sir, I submit that the benefit of standard grades and standard definitions of quality should be extended to transactions with regard to commodities of which there shall be such grades and definitions of quality whether those transactions are made in a market or "any other place".

Mr. SPEAKER: But here the scope of the Bill is with regard to markets only and not "any other place": therefore, you cannot bring in outsiders.

Mr. SURENDRA NATH BISWAS: All right, Sir.

I beg also to move that in clause 10(*1*), in line 6, after the word "quality" at the end, the words "and standard specifications of size" be added.

I beg further to move that in clause 10(*2*), in line 4, after the word "quality", the words "and standard specifications of size" be inserted.

Sir, if my amendment is accepted, clause 10 will read thus:—

"That the Provincial Government may, by rules, prescribe the standard grades and standard definitions of quality of any agricultural produce and, in the case of hides and skins, standard specifications of size", etc. At the end of the clause also, similar changes will have to be made. Sir, the object of my amendments is to protect the indigenous tanning industry of this province. I believe the Hon'ble Minister himself is aware that the Indian tanning industry is not being able to stand competition with the Chinese tanning industry in Calcutta, and that is due to want of specification of size according to which hides and skins ought to be sold in the market. To that point, I understand, the attention of the Hon'ble Minister and of the Director of Industries has already been drawn. I hope the Hon'ble Minister will seriously consider the merit of this amendment and accept it. Sir, if Government wants really to improve and develop the tanning industry of our province, then this is the time, when Government is going to regulate the marketing of many articles including hides and skins, to give all possible protection to the indigenous tanning industry as against the Chinese tanning industry in this province. If my amendment is not accepted, the competition will go on as usual, and the

tanning industry run by the Bengalees and other Indians will not be able to stand any longer in competition with the Chinese tanning industry.

With these words, Sir, I commend my motion to the acceptance of the House.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I have to oppose these amendments, because in my opinion these amendments are unnecessary. My friend suggests that in the case of hides and skins the standard specifications of size should also be fixed. I submit that that is unnecessary because in fixing the standard grades the question of size will automatically come in with regard to hides and skins.

The motions of Mr. Surendra Nath Biswas, *viz.*—

"that in clause 10(*1*), in line 3, after the word 'produce', the words 'and, in the case of hides and skins, standard specifications of size' be inserted",

"that in clause 10(*1*), in line 6, after the word 'quality' at the end, the words 'and standard specifications of size' be added", and

"that in clause 10(*2*), in line 4, after the word 'quality' the words 'and standard specifications of size' be inserted",

were then put and lost.

The question that clauses 10 and 11 stand part of the Bill, was then put and agreed to.

Clauses 11A and 11B.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in sub-clause (*1*) of clause 11A, in line 1, before the word "after" at the beginning, the following expression be inserted, namely:—

"The Provincial Government may, by notification in the Official Gazette and in such other manner as may be prescribed, declare that the standard weights specified in the Standards of Weight Act, 1939, shall be used for weighing any agricultural produce and".

Mr. SPEAKER: I find that amendment No. 190 is out of order, and amendment No. 189 cannot be taken up as the recommendation has not yet come.

Mr. SURENDRA NATH BISWAS: As far as I know, Sir, No. 190 is going to be accepted by the Hon'ble Minister.

Mr. SPEAKER: In case of an agreement arrived at between both sides, I do not want to stand in the way on a technical ground.

Mr. SURENDRA NATH BISWAS: Thank you, Sir.

I beg to move that in clause 11A, sub-clause (*2*), in line 2, after the word "market", the words "or at any other place" be inserted.

Mr. ATUL KRISHNA GHOSE: With regard to amendment No. 189, will the Hon'ble Minister be pleased to give us an idea as to the probable cost of a set of standard weights specified in the Standards of Weight Act, 1939?

The Hon'ble Mr. TAMIZUDDIN KHAN: I cannot say.

Mr. ATUL KRISHNA GHOSE: Now, Sir, my position is rather clear. If Government wants the proprietors to maintain standard weights, why should not the Government bear the cost for them?

Mr. SPEAKER: I take it that the standard weight means only the "seer" the cost of which will not be much.

Mr. ATUL KRISHNA GHOSE: Scale is standard weight.

Mr. SPEAKER: Not scale but weight. Scale is the part and parcel of weight.

Mr. ATUL KRISHNA GHOSE: I do not think, Sir, that it will cost about Rs. 100.

Mr. SPEAKER: Standard weight does not mean scale.

Mr. ATUL KRISHNA GHOSE: Then, Sir, I do not want to disturb the House.

The motion of Mr. Surendra Nath Biswas that in clause 11A, sub-clause (*2*) in line 2, after the word "market" the words "or at any other place" be inserted, was then put and agreed to.

The motion of Mr. Surendra Nath Biswas that in sub-clause (*1*) of clause 11A, in line 1, before the word "after" at the beginning the following expression be inserted, namely:—

> "The Provincial Government may, by notification in the Official Gazette and in such other manner as may be prescribed, declare that the standard weights specified in the Standards of Weight Act, 1939, shall be used for weighing any agricultural produce and",

was then put and lost.

The question that clause 11A, as amended, and clause 11B stand part of the Bill was then put and agreed to.

Clause 12.

The question that clause 12 stand part of the Bill was then put and agreed to.

Clause 13.

Mr. ATUL KRISHNA GHOSE: Sir, I beg to move that in clause 13(*a*), lines 3-5, for the words "together with a sum not exceeding 50 per cent. of the cost by way of penalty, as if it were a public demand" the words "by attaching the fees of the market payable to the proprietor" be substituted.

Sir, without changing any words of licence——

Mr. SPEAKER: How can the fees be attached?

Mr. ATUL KRISHNA GHOSE: Sir, the income can be attached.

Mr. SPEAKER: It cannot be attached by Government but by Court. Government will have to go out every time to take orders of the Court.

Mr. ATUL KRISHNA GHOSE: If I am a creditor and another person is a debtor, then it can be attached.

Mr. SPEAKER: But civil right is much stronger than that.

Mr. ATUL KRISHNA GHOSE: Sir, may I draw your attention to clause 14 where you will find that when the burden comes on the Government they will give a very good proposal and a very moderate proposal? And the proposal reads like this. I am quoting only from the seventh line of clause 14. If the licence is not renewed or cancelled and when the burden of administration of market comes on the Government, what will Government do? Government say there: "The expenses of management and maintenance of the market during the period of suspension shall be met from the income derived from the market". Here Government is very cautious, because the administration has now fallen on them. The responsibility is theirs, whereas you will notice, Sir, that when the administration is in the hands of the proprietor of the market, they want to "cause such action to be taken as will give effect to the order and then recover from the proprietor the cost thereof". That is item No. 1. Then comes item No. 2:

"together with a sum not exceeding 50 per cent. of the cost by way of penalty". Then, Sir, the third difficulty with which the proprietor is faced "it will be recovered as if it were a public demand". Apart from the assets of the market, the Government can recover that amount by attaching some other personal properties of the proprietor. Here lies the crux; here lies our strongest objection. There being so many absentee proprietors of a market, there may be some mismanagement and because of that mismanagement Government may take some penal measures and the absentee proprietors of the market may not know anything about the state of affairs there and this will give facilities to the local people. You know, Sir, how process-servers act in the villages. They can very well show some property to be in the possession of the absentee proprietor and ultimately the absentee proprietor will be the loser. If the intention of Government is just to recover the expenses, if the intention is just to manage the affairs and if Government is of opinion that when the burden of the administration and management has come upon them they can very well manage it with the income of the market, then, Sir, I do not find what justification or what reason there might have been to apply this penal clause and, at the same time, to treat it as if it were a public demand. When Government could arrange everything by attaching the income of the market, I do not think that there is any justification whatsoever to treat it as if it were a public demand whereby the absentee owner of the market who may probably know nothing of the state of affairs in that locality will be punished and will be put to great difficulty and hardship. I would draw the attention of the Hon'ble Minister to this fact and request him to think over the situation and to amend it in whatever way he likes just to give relief to the absentee owner of the market.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the proposal of my honourable friend that recovery should be made by attaching the fees of the market payable to the proprietor does not commend itself to Government. I oppose the amendment.

The motion of Mr. Atul Krishna Ghose that in clause 13(*a*), lines 3-5, for the words "together with a sum not exceeding 50 per cent. of the cost by way of penalty, as if it were a public demand" the words "by attaching the fees of the market payable to the proprietor" be substituted, was then put and lost.

The question that clause 13 stand part of the Bill was then put and agreed to.

Clauses 14, 15 and 16.

The question that clauses 14, 15 and 16 stand part of the Bill was then put and agreed to.

Clause 17.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move——

Mr. SYED JALALUDDIN HASHEMY: Sir, if my amendment is carried, the question of Mr. Biswas's amendment will not arise. I have asked for the deletion of the entire clause. Possibly, the House may accept that, because the clause is absolutely unnecessary.

Mr. SPEAKER: You cannot move it now.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that for clause 17, the following be substituted, namely:—

"17. (*1*) The Provincial Government may establish one or more markets in such place or places as it thinks fit.

(*2*) The Provincial Government may acquire by purchase or otherwise or take on lease any existing market or a building or block of buildings with or without enclosures to be used as a market and a market or building so acquired or taken on lease shall be regarded for the purposes of this Act as a market established by the Provincial Government under sub-section (*1*).

(*3*) The Provincial Government may by notification in the Official Gazette declare any market established by it as a regulated market:

Provided that such notification shall define the limits of the regulated market and may for the purposes of this Act include within such limits such local area as the Provincial Government may think fit.

(*4*) The Provincial Government may by notification in the Official Gazette and in such other manner as may be prescribed provide that no agricultural produce as may be specified in the notification shall be purchased and sold in any place within the limits of a regulated market except that market and that all transactions made in respect of such agricultural produce shall be subject to such rules as may be prescribed.

(*5*) The market or markets established by the Provincial Government under sub-sections (*1*) and (*2*) shall be managed and maintained by a Marketing Board to be constituted by the Provincial Government in such manner and subject to such rules as may be prescribed and with such powers conferred and such duties imposed upon the Marketing Board as the Provincial Government thinks fit.

(6) The Provincial Government may either generally or specifically for any market or group of markets established by it make rules consistent with this Act for the management, maintenance and regulation of such market or markets, as the case may be, under this Act.

(7) Subject to the rules made by the Provincial Government under sub-section (6), the Marketing Board may, in respect of the market or markets under its management make bye-laws for—

(i) the regulation of the transaction in any agricultural produce;

(ii) the condition of trading;

(iii) appointment and punishment of its officers and servants; and

(iv) the delegation of powers, duties and functions of the sub-committees which may be appointed by the Marketing Board when empowered to do so by the Provincial Government under sub-section (5);

and may provide that contravention thereof shall be punishable by a competent Magistrate with a fine which may extend to one hundred rupees:

Provided that all bye-laws made under this sub-section shall be subject to the condition of previous publication in the Official Gazette and in such other manner as may be prescribed and that no bye-law shall take effect until it has been confirmed by the Provincial Government."

Sir, I want to empower the Government to establish regulated markets all over the province. The object in my view is to regulate the marketing of jute. Unless the provisions as suggested in my amendment are not made in this Bill, I am afraid that Government will not be able to establish properly regulated markets all over the province, so that marketing of jute may be regulated in the mufassal.

Sir, in the previous Bill, I mean the Agricultural Produce Market Bill there were provisions to the effect that Government might take on lease or acquire the existing jute godowns in this province and set up regulated markets there or at any place where Government desired to establish any such markets, but those provisions are not to be found in this Bill. In this Bill there is only one provision that Government may establish, manage and maintain one or more markets at such places as it thinks fit.

Mr. SPEAKER: Under section 17 Government can establish a market anywhere.

Mr. SURENDRA NATH BISWAS: But for the purpose of establishing a market——

Mr. SPEAKER: They can do everything—whatever is necessary with the assistance of the Advisory Board.

Mr. SURENDRA NATH BISWAS: The procedure is not laid down.

You will find under sub-clause (*2*) of clause 17——

Mr. SPEAKER: Also see sub-clause (*2*) (*xii*) of clause 19.

Mr. SURENDRA NATH BISWAS: Under sub-clause (*2*) of clause 17, each market established under sub-section (*1*) shall be managed and maintained in such manner as may be prescribed. The rules will be prescribed with regard to the management and maintenance and not for establishment. How the markets will be established, whether Government will have their own markets or will acquire land and build markets thereon or take on lease existing godowns, what they will do if they want to establish a market, for these I think Government require specific power. By my amendment, I give that power to Government. Besides that, there are other matters, there are other details for the management of the regulated markets which I have laid down in my amendment. I have taken the clue from the Cotton Markets Act of the Central Provinces and I have taken many clauses out of that Act, to which the Finlow Committee referred when they prepared and submitted their report. I have also provided——

Mr. SPEAKER: So many of your amendments have been accepted by Government.

Mr. SURENDRA NATH BISWAS: This amendment also should be accepted. By this amendment I have also provided that the statutory body which shall control such markets should have power to make bye-laws. Unless my amendment is accepted, under clause 17 such body shall have no power to make any bye-laws which shall be necessary for punishing a person who will contravene the provisions in respect of Government markets. In my amendment I have provided in paragraph (*4*) that Government may by notification in the Official Gazette and in such other manner as may be prescribed provide that no agricultural produce which may be specified in the notification shall be purchased and sold in any place within the limits of a regulated market except in that market and that all transactions made in respect of such agricultural produce shall be subject to such rules as may be prescribed. Contravention of these rules should be penalised. For

that purpose Government should have specific powers to make bye-laws. That is the reason why this amendment containing all the provisions in detail should be accepted, so that the Government may be fully empowered to regulate their markets all over the province. If the real intention of Government is to benefit the jute-growers who are suffering from want of holding power, then the Government should in all earnestness establish regulated markets all over the province and arrange for warehouses where jute-growers may stock their jute and get advances against such stock. And for that purpose Government should be armed with all necessary powers. I expected Government themselves to make such provisions in this Bill. But Government have not done that. The other day the Finance Minister assured us that he would make necessary provisions for increasing the holding power of the jute-growers. For that purpose, regulated markets must be there with warehouses, so that the jute-grower may stock his jute there and get advances! If he can do that, the holding power of the grower will be increased and real benefit will be done to him. For that purpose I want a specific and clear provision. For this I have been fighting all these four years. I may remind you, Sir, that when you were a member of the Finlow Committee, you also fought for the jute-growers and fought for raising their holding power. As a member of the Bengal Jute Enquiry and also here in this Assembly I have been fighting all these four years for the jute-growers. I have requested Government, have appealed to them and have put pressure on my friends on the opposite side to put pressure in their turn upon Government to improve the lot of the jute-growers, but in vain. I hope that the 17 members of the Bengal Jute Enquiry Committee who belong to the Coalition Party——

Mr. SPEAKER: Mr. Biswas; there is a more important matter.

Mr. SURENDRA NATH BISWAS: This is also an important matter. I have not read your book entitled "The man behind the Plough" but I presume that you put forward the problem of the peasantry before every other problem in this country. The problem of jute which is nothing but the problem of the jute-grower is the problem of Bengal. Unless jute can fetch the best and maximum possible price, you cannot raise the economic conditions of the country and for that purpose the Government should be empowered with all kinds of powers to establish regulated markets and to do all other things necessary for the jute-grower to increase his holding power. For that purpose, I have moved this amendment. I know that the size of the amendment has frightened the Hon'ble Minister: otherwise why should he refrain from accepting my amendment? There is nothing wrong, there is nothing objectionable, in this amendment. If he wants to establish a regulated market, he will find many

difficulties in the way and he will have to come to the Assembly for amending this Bill in order to make provisions which I have made in my amendment. This is not my own. I have copied some of the most important provisions of the Central Provinces Act.

Mr. SPEAKER: This is the second time you are repeating that.

Mr. SURENDRA NATH BISWAS: What can I do, Sir? I expected that of all persons you would help me in forwarding the cause of jute-growers. Whether the Treasury Benches or the Coalition Party members feel with me or not or whether they support me or not, I do not mind. I think it is my duty to urge the cause of our peasantry whenever I can and I think my existence in this House is justified by doing that. Whatever I may say or do here, I shall say and do in the interests of the poor peasantry of my country.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I have to oppose this amendment because I think it is altogether unnecessary. My friend says that Government should have power to acquire land and do various other things. All these things Government will be in a position to do even if that is not put down in the body of the measure. This amendment is unnecessary. There are certain other things, but those are of a minor character. My friend's principal concern is that unless the power of acquisition is given specifically in this measure, Government will not be in a position to acquire. That is a mistaken idea.

The motion of Mr. Surendra Nath Biswas that for clause 17, the following be substituted, namely:—

"17. (*1*) The Provincial Government may establish one or more markets in such place or places as it thinks fit.

(*2*) The Provincial Government may acquire by purchase or otherwise or take on lease any existing market or a building or block of buildings with or without enclosures to be used as a market and a market or building so acquired or taken on lease shall be regarded for the purposes of this Act as a market established by the Provincial Government under sub-section (*1*).

(*3*) The Provincial Government may by notification in the Official Gazette declare any market established by it as a regulated market:

Provided that such notification shall define the limits of the regulated market and may for the purposes of this Act include within such limits such local area as the Provincial Government may think fit.

(4) The Provincial Government may by notification in the Official Gazette and in such other manner as may be prescribed provide that no agricultural produce as may be specified in the notification shall be purchased and sold in any place within the limits of a regulated market except that market and that all transactions made in respect of such agricultural produce shall be subject to such rules as may be prescribed.

(5) The market or markets established by the Provincial Government under sub-sections (1) and (2) shall be managed and maintained by a Marketing Board to be constituted by the Provincial Government in such manner and subject to such rules as may be prescribed and with such powers conferred and such duties imposed upon the Marketing Board as the Provincial Government thinks fit.

(6) The Provincial Government may either generally or specifically for any market or group of markets established by it make rules consistent with this Act for the management, maintenance and regulation of such market or markets, as the case may be, under this Act.

(7) Subject to the rules made by the Provincial Government under sub-section (6), the Marketing Board may, in respect of the market or markets under its management, make bye-laws for—

(i) the regulation of the transaction in any agricultural produce;

(ii) the condition of trading;

(iii) appointment and punishment of its officers and servants; and

(iv) the delegation of powers, duties and functions of the sub-committees which may be appointed by the Marketing Board when empowered to do so by the Provincial Government under sub-section (5);

and may provide that contravention thereof shall be punishable by a competent Magistrate with a fine which may extend to one hundred rupees:

Provided that all bye-laws made under this sub-section shall be subject to the condition of previous publication in the Official Gazette and in such other manner as may be prescribed and that no bye-law shall take effect until it has been confirmed by the Provincial Government",

was then put and lost.

The question that clause 17 stand part of the Bill, was then put and agreed to.

Clause 18.

The question that clause 18 stand part of the Bill, was then put and agreed to.

Clause 18A.

Mr. C. MORGAN: Sir, I beg to move that in clause 18A, in line 1, for the comma and words ", suspending or cancelling" the words "or suspending" be substituted and for the comma and words ", suspend or cancel" in line 2, the words "or suspend" be substituted.

This is moved because the question of cancellation does not appear in the Bill at all.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I accept it.

The motion was then put and agreed to.

The question that clause 18A as amended stand part of the Bill was then put and agreed to.

Clauses 19 and 20.

Mr. C. MORGAN: Sir, I beg to move that in paragraph (*v*) of sub-clause (*2*) of clause 19 after the word and figure "section 6" the words, figure and brackets "or the recommendation referred to in sub-section (*1a*) of that section" be inserted.

This is consequential.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I accept it.

The motion was then put and agreed to.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that in paragraph 7 of sub-clause (*2*) of clause 19, after the word and figure "section 8", the words, figure, letters and brackets "and the percentage of moisture referred to in clause (*i*) of the proviso of sub-section (*1a*) of that section" be added.

The motion was then put and agreed to.

The question that clause 19, as amended, and clause 20 stand part of the Bill, was then put and agreed to.

Clause 21.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in sub-clause (*1*) of clause 21, in line 1, after the word "whoever", the words "knowingly and wilfully" be inserted.

I beg also to move that the following proviso be added to clause 21, namely:—

"Provided further that no Magistrate, other than a Magistrate of the first class, shall try a case instituted under this Act".

I beg further to move that the following proviso be added to clause 21, namely:—

"Provided that no prosecution shall be instituted for an offence committed under this Act except with the sanction of the District Magistrate in whose jurisdiction the market, with reference to which the offence is committed, is situated".

Mr. SPEAKER: Mr. Biswas, your amendments Nos. 218-221 do not arise.

Mr. SURENDRA NATH BISWAS: Yes, Sir.

Now, with regard to amendment No. 213, if it is accepted, sub-clause (*1*) of clause 21 will read thus:—

"Whoever, knowingly and wilfully, commits any offence by contravening any of the provisions contained in the sections or sub-sections mentioned in column 1" etc., etc. ".....shall be punished with fine which may extend to the amount mentioned in.....".

Sir, I have introduced the words "knowingly and wilfully" as adverbs to the verb "commits", and this is not a new phrase that I have introduced. If you look at the Money-lenders Act, you will find that these words are there: and in this Bill, Sir, unless my amendment is accepted, what will be the result? The result will be that even an innocent absentee proprietor will be punished for no fault of his, because clause 21 provides that whoever commits any offence, by contravening any of the provisions contained in any of the sections or sub-sections of this Act mentioned in the first column of the following table, shall be punished, or whoever commits any offence by failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under any of the said sections or sub-sections, shall be punished.

Now, Sir, in section 4 it is stated that a breach of any of the conditions of the licence shall be punishable. But what are the conditions of a licence? The conditions are arrangement for the improvement in the sanitary condition, arrangement for sufficient space, arrangement for the adequate supply of drinking

water for human beings and animals, etc. If a proprietor fails to comply with any of the conditions of his licence, he shall be hauled up before a criminal court and punished, for under clause 5 any proprietor of a market may be hauled up before the court. I tried to amend the definition of "proprietor" contained in clause 4, but failed: I wanted to limit the operations of these provisions only to those proprietors who will be directly in charge of their markets in relation to which an offence will be committed,—and not to all proprietors, among whom, as was said yesterday, there may be absentee proprietors whose numbers are legion.

Now, Sir, under clause 4 (*6*), any proprietor, whether he is in direct control or not, may be hauled up before a court to answer a charge and be punished. This, I submit, will give a long rope in the hands of the inspecting officers or some other prescribed authority to haul up any and every man before a court. If this power is retained by Government and delegated to the inspecting or other prosecuting officers, there is every likelihood of abuses of such power in many cases, and it may lead to corruption and bribery as well as unnecessary harassment to the absentee proprietors. Sir, my amendment is a simple one: I want that the words "knowingly and wilfully" be inserted between the words "whoever" and "commits". If my amendment is accepted, then the clause will be to the following effect, namely, whoever, knowingly and wilfully, commits any offence, etc., so that the absentee proprietor who may not be aware of the default made by his agent or officer in charge of his market or of any other lapses on the latter's part may not be hauled up before a court. It is not my intention, Sir, that proprietors who are wilfully or knowingly guilty should not be punished. I put it to the House whether any member would like that a proprietor who may not be even aware of the lapses on the part of his officer in charge of the market should be hauled up before a criminal court and punished for no fault of his. If no member likes that—and I know no member including the Hon'ble Minister himself likes that—I hope the House including the Hon'ble Minister himself will accept my amendment No. 213.

Then, Sir, by my amendment No. 214, I want that no Magistrate other than a Magistrate with first class powers shall try a case instituted under this Act——

Mr. SPEAKER: So that there may not be any appeal!

Mr. SURENDRA NATH BISWAS: Yes, Sir, I admit that.

However, I want that none but a Magistrate with first class powers hould try a case under this Act.

By my amendment No. 215, Sir, I want that no prosecution shall be instituted for an offence committed under this Act except with the sanction of the District Magistrate under whose jurisdiction the market is situated. This is a very modest demand, Sir. Let there be prosecutions, if lapses are made; if anybody is found guilty, let him be prosecuted: but my point is that a prosecution should not be instituted unless a District Magistrate gives his sanction to it so that there may not be any abuse of power, so that the local authorities in charge may not unnecessarily harass the innocent proprietors. These two provisions that I have suggested are some safeguards against the vagaries of, and abuse of power by, the officers of Government to be appointed under the provisions of this Bill to supervise and control the markets.

Sir, my amendments are very reasonable and my demands are very modest, and I hope honourable members of this House will accept them.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I oppose amendment No. 213 first of all. My friend's amendment, although he is enamoured of it, is altogether unacceptable. It runs "whoever knowingly and wilfully commits an offence". What does that mean? Does it mean that an offence may be committed in two ways—wilfully and knowingly and not-wilfully and not-knowingly? That is the implication. Therefore, the words, if placed there, will make the sense absurd. If an offence is to be committed, one must do the act constituting the offence wilfully or knowingly; otherwise it is not an offence. That is an inherent element of criminality. Therefore the amendment is unnecessary. At least the words cannot be placed there. If he had placed these words "wilfully and knowingly" before the word "contravening", that would have made some sense. But as he wants to insert these words after the word "whoever" it makes——

Mr. SASANKA SEKHAR SANYAL: On a point of order, Sir. I have listened——

The Hon'ble Mr. TAMIZUDDIN KHAN: You have not yet listened. I am still on my legs.

Mr. SURENDRA NATH BISWAS: Sir, before the Hon'ble Minister proceeds may I request you and not the Hon'ble Minister to put my amendment in the order in which the Hon'ble Minister would accept it?

Mr. SPEAKER: Let him reply.

The Hon'ble Mr. TAMIZUDDIN KHAN: Only the persons who commit an offence will be punished and no other person will be punished. Whether a person commits an offence by contravening any provision of this Act, in considering that, the Magistrate will have to take into consideration the fact as to whether the man had any knowledge about the thing or intended committing an offence. If that element is not there, he will be let off. That will be considered in judging whether the man has at all committed an offence or not. Once the Judge comes to the conclusion that an offence has been committed, then the only thing remaining for him will be to pass judgment and award the sentence. The way in which this clause has been sought to be amended is not acceptable to Government. (Mr. SURENDRA NATH BISWAS: Why don't you amend my amendment yourself?) Because I consider the amendment to be unnecessary. Had I considered that to be necessary, I would certainly have agreed to insert the words not where they are proposed to be inserted, but somewhere else. But I consider that it is altogether unnecessary to insert the words as proposed by my friend.

Mr. ATUL KRISHNA GHOSE: সাধু। সাধু।

Mr. SURENDRA NATH BISWAS: Please insert the words as you ggest before the word "contravening".

The Hon'ble Mr. TAMIZUDDIN KHAN: As regards the other suggestion of my friend, I mean amendment No. 214, that is acceptable to Government in a modified form. The amendment as tabled is misplaced. The amendment should come somewhere else and I think it should come after sub-clause (*1*) of clause 21 and if placed there in a modified form I am prepared to accept it. I therefore suggest that after sub-clause (*1*) of clause 21 the following sub-clause be inserted, namely:—

"(*1a*) No offence referred to in sub-section (*1*) shall be tried by any Magistrate other than a Magistrate of the first class or a Presidency Magistrate."

I think this will satisfy him.

I also oppose amendment No. 215.

Mr. SURENDRA NATH BISWAS: As you are not prepared to accept my amendments Nos. 213 and 215, I beg leave of the House to withdraw my amendment No. 214.

The motion of Mr. Surendra Nath Biswas that the following proviso be added to clause 21, namely:—

"Provided that no Magistrate other than a Magistrate of the first class shall try a case instituted under this Act,"

was then by leave of the House withdrawn.

Mr. SASANKA SEKHAR SANYAL: Sir, before you put the motions, may I make one suggestion with regard to amendment No. 213? I would request you to consider this matter as also my friend the Hon'ble Minister. The Hon'ble Minister has prosecuted many cases as Public Prosecutor of Faridpur and your goodself has also done so on many cases. Now, Sir, contravention may be wilful or it may not be wilful. I agree with you so far as non-registration is concerned. Here contravention will probably be wilful, but supposing there is a breach of licence——

Mr. SPEAKER: I do realise your difficulty, but as the motion stands it cannot be accepted. There are one or two places in the clause where the word "wilful" has been used under "Subject". For example, you will see in the last paragraph under "Subject" the words "wilful omission to supply information". The word "wilful" is there. If you want to amend the clause, similarly you ought to have inserted the words "wilfully or knowingly" somewhere else, but as it is governing the whole clause it cannot be done.

Mr. SASANKA SEKHAR SANYAL: It can, Sir, because when an offence is committed by wilful contravention that would be appropriate.

Mr. SPEAKER: You know law never knows redundancy.

Mr. SASANKA SEKHAR SANYAL: Law also does not give a handle to the Magistrate which the Hon'ble Minister wishes him to have.

Mr. SPEAKER: That is for you to decide.

Mr. SASANKA SEKHAR SANYAL: Take for example breach of licence. I am a market-owner, I have a licence, I have got my agents and servants. Are we to understand that there will be constructive criminality for mere dereliction of duty?

Mr. SPEAKER: In such cases perhaps no prosecution will be instituted.

Mr. SASANKA SEKHAR SANYAL: Who knows? As legislators and as lawyers we must look to everything.

Mr. SPEAKER: I can't help.

The motion of Mr. Surendra Nath Biswas that in sub-clause (*1*) of clause 21, in line 1, after the word "whoever" the words "knowingly and wilfully" be inserted, was then put and lost.

The motion of Mr. Surendra Nath Biswas that the following proviso be added to clause 21, namely:—

"Provided that no prosecution shall be instituted for an offence committed under this Act except with the sanction of the District Magistrate in whose jurisdiction the market with reference to which the offence is committed is situated",

was then put and lost.

The question that clause 21 stand part of the Bill was then put and agreed to.

Preamble.

The question that the preamble stand part of the Bill was then put and agreed to.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that the Bengal Markets Regulation Bill, 1941, as settled in the Assembly, be passed.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, I want to oppose the third reading of the Bill in a few words. In the first place, we should oppose this Bill because it is a misnomer. Instead of becoming a real Market Regulation Bill it has merely become a Market Controlling Bill. We could have understood if the Government had introduced ways and means really for spreading a net-work of markets throughout the province as was pointed out by my friend Mr. Surendra Nath Biswas. There is another provision for the creation of good markets or creation of any market so that the producers of agricultural commodities might stock their commodities there with the idea of getting some price for them. Sir, the existing forum is not going to be expanded or extended. People will go to their hackneyed places. And what will they get there? Merely they will get some additional impediments and proprietors of the markets will be put to additional embarrassments. The bestial prosecutions will be over their heads and they will not be helped by Government in extending the markets either for their own benefit or for the benefit of the producers of commodities. I have consulted the Local Self-Government Act and the Village Self-Government Act. The Acts contain provisions which can touch the problem which has been placed by the Hon'ble Minister in the shape of the Markets Regulation Bill. The Union Boards and the District Boards have got powers to tackle the problems which have been raised in the Markets Regulation Bill. Had the Hon'ble Minister thought that the powers and provisions in the existing Acts were scanty and that they should be enlarged

and expanded, he might have introduced amendments enlarging the scope of the authority of the District Boards, Local Boards and Union Boards. There was no necessity for spending thousands and thousands of rupees for bringing this Bill, sending it to the Select Committee and then bringing it forward before this House, and it was absolutely unnecessary to devote so much time to it. Sir, what could have been done by less costly amendments enlarging the scope of the existing Acts has been sought to be done by a very costly measure of legislation brought into this House. We think that if the District Boards and Union Boards had been given some power, they could have exercised their powers, regard being had to the local conditions and requirements. They would not be led away by mere abstract theory of market and marketing facilities. They would have concrete facts and concrete life as the background of their own activity and they could have handled the question to the greater satisfaction of the people concerned than the executive heads of districts who are not connected with the day-to-day life of these places. Sir, you know as an old legislator and as an ex-Minister that the local bodies are interested in the growth of markets and the development of markets and also in the creation of new markets and it would be more advisable on the part of Government to give impetus to the local bodies so that they could have utilised their own brains and resources and they could have come to a conclusion which would be more appropriate to the requirements of the situation than would be done through the machinery of this law.

There is one other matter. The Government is going to have some revenue out of market fees. Now, Sir, we tried to reduce the amount of this fee. But we failed. Even if we had availed we would have been glad if the amount were available to these self-governing institutions because we know that our village Union Boards are starved for want of funds. The bulk of their income goes away for the chaukidari department and the scanty residue is hardly enough for meeting the day-to-day requirements, municipal and non-municipal, of the Boards and it would certainly be a very welcome relief if the Union Boards were given the benefit of these funds, so that they could have utilised it for the benefit of markets and for the improvement of markets regard being had to the sanitary conditions.

We also oppose this Bill on the ground that it is only adding to the numerous penal codes that have been brought into the Statute Book by the present Government. The Money-lenders Act has become one penal code. The Sales Tax Act has become another penal code. The Co-operative Societies Act has become a third penal code and this Markets Regulation Bill is going to be another penal code. You see, Sir, that in the previous Acts—it is not in any lighter vein that I refer to these things—the offences were based upon criminality. Here in this Markets Regulation Bill, a man may be an offender without really

having any animus behind his connivance or negligence. We know the distinction between the civil liability and criminal liability. For the negligence of the principal or for the misdeed of the agent, the principal is liable from the civil point of view, but we have never heard of this new conception of a penal law that if a man fails to do something either on account of his own want of information or on account of the negligence of his agent, he becomes an offender. There would be a new code of criminality, namely, constructive criminality on the part of the principal. This is a very serious matter. It is very easy for the Hon'ble Minister to say that this amendment is unnecessary. Sir, he may have confidence in himself. But does he know the calibre and character of the persons who will administer these laws? Probably the desirable man will be let off and will not be prosecuted on the ground that it is a mere technical dereliction and contravention and that no prosecution need be started or even if there is a prosecution, the penalty will only be nominal. But there are persons undesirable from the point of view of the Ministry. They will be hauled up for a mere technical breach and they will be hounded into law courts and they will be branded as criminals by virtue of the judgment that will be passed upon them.

So, Sir, I submit that we oppose this third reading of the Bill, because in the first place it does not give any facility to the producer and in the second place it confers new powers on the executive. Therefore we oppose this Bill lock, stock and barrel.

(After the Hon'ble Minister has been called to rely.)

Mr. SURENDRA NATH BISWAS: Sir, I want to say a few words.

Mr. SPEAKER: I have already called the Hon'ble Minister to reply.

Mr. SASANKA SEKHAR SANYAL: Sir, even if you have called the Hon'ble Minister, it is within your power to allow a member to speak.

Mr. SPEAKER: I would have done but for the temper shown by Mr. Biswas.

Mr. SASANKA SEKHAR SANYAL: Even if a member loses temper, is it justifiable for the Speaker to do so?

Mr. SPEAKER: I shall give him a good cold drink. Nobody has spoken on this Bill more than Mr. Biswas and there has been a declaration of attitude by the party of Mr. Biswas as a whole. I think

it is wrong—if he is allowed to speak thereafter it will be constitutionally improper—when an attitude has been declared on behalf of a party as a whole for any other member to speak. If he wanted to speak, he ought to have spoken before Mr. Sanyal spoke on behalf of the party. I consider it is wrong after a party declaration has been made if individual members are allowed to speak.

Mr. SASANKA SEKHAR SANYAL: Anyway, Sir, his temper is good.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I would like to say only a few words in reply to my friend Mr. Sanyal who had already declared that his party is not satisfied with the measure. To-day he has said the same thing over again. He says that the object that the Government want to achieve by this measure could have been better achieved by amending certain other laws, by amending only four other Acts, *viz.*, the Calcutta Municipal Act, the Local Self-Government Act, the Bengal Municipal Act and the Village Self-Government Act. That is the practical suggestion that my friend has given to the Government. I leave it to the House to consider the practicability, the feasibility and the sense, if any, that underlies the suggestion of my honourable friend. Regarding those who are opposed to this Bill, I would say that they do not want that the abuses prevailing in the markets of Bengal should be put a check to. They do not want——

Mr. SASANKA SEKHAR SANYAL: Question!

The Hon'ble Mr. TAMIZUDDIN KHAN: They do not want that the producers, the cultivators and the agriculturists who are deprived of the proper prices of their products on account of the malpractices prevailing in the country should be protected. They want that these abuses should continue as they have been continuing in the past. I would like to say, Sir, that the Royal Commission on Agriculture recommended that markets should be regulated and proper legislation should be enacted to achieve that end. Thereafter, in 1939, there was a Ministers' Conference, and all the Agriculture Ministers in India including the then Congress Ministers attended that Conference, and there a unanimous resolution was passed for regulating markets by legislation in all the provinces. I should like to say for the edification of my honourable friends that in most other provinces Markets Regulation Acts have already been passed. As soon as this Government is going to do that which had already been done in the Congress provinces and is now under operation, my friends in the Opposition at once rise up against the proposal. I think, however, that those honourable members who have studied this Bill are convinced of its importance

and of its necessity, and will, I hope, support the measure. In conclusion I offer my thanks to those honourable members who have lent their support to this Bill. (When the Hon'ble Minister was concluding his speech, the microphone failed to work, and the Hon'ble Minister was not quite audible)——

Mr. SASANKA SEKHAR SANYAL: Was it the failure of the microphone, Sir, that stopped the speech of the Hon'ble Minister?

Mr. SPEAKER: His time was up and I wanted him to stop, and the microphone came to my help in stopping his voice. (Laughter.)

The motion that the Bengal Markets Regulation Bill, 1941, as settled in the Assembly, be passed, was then put and agreed to.

Mr. SPEAKER: Before I take up the subject of petrol-rationing, I would adjourn the House for five minutes to clear it of all outsiders.

The House was accordingly adjourned for five minutes.

[A secret session of the Assembly was then held to hold a debate on the question of petrol-rationing.]

The Bengal Secondary Education Bill, 1940.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I beg to move that the Bengal Secondary Education Bill, 1940, as reported on by the Select Committee, be taken into consideration.

Personally, Sir, I would like to to say a few words indicating the general policy underlying the Bill and the principal changes that have been made by the Select Committee. It would not be possible for me to go into the details at the present moment, and I do not wish to leave the subject unfinished to be taken up on a future date. I pray, Sir, that you will be pleased to allow me to make my speech in support of the Bill the next day the House meets.

Mr. SPEAKER: I think the only point that I have now to settle is as to on what date the Assembly should meet. I think we need not meet to-morrow and on Friday, and in that case I should like to know what date would be suitable to the House. From my point of view and from the point of view of my department it is necessary to have some time to examine the amendments and then to get them printed and circulated to the members so that we can be ready before the date fixed for this business. This recess will also allow Government to draft amendments, if necessary, as well as allow all the parties to put in their amendments if they so desire.

Rai HARENDRA NATH CHAUDHURI: By which date you expect the amendments, Sir?

Mr. K. SHAHABUDDIN: We suggest that the next sitting be fixed for the 25th. As far as the amendments are concerned, if they come as a result of an agreement the question of time will not, I hope, arise. And let us hope that there will be an agreement.

Dr. NALINAKSHA SANYAL: So far as we are concerned, we would not stand in the way of the House proceeding with its normal work, but if it is the intention of the Government to proceed with the present measure on the 25th, I honestly feel that there will be some practical difficulties in taking up that measure on that date. If the Hon'ble Minister in charge might give us an indication as to when he proposes to take up the further stage of this Bill, the Government may proceed with other measures on the 25th.

Mr. SPEAKER: Now that the motion has been moved, it might be proceeded with when all the amendments would be ready. Subject to that decision of mine which is inevitable under the Constitution unless the Government withdraws the Bill itself, I feel that after considering all the points and knowing all the facts and circumstances of the matter that if we meet a day or two later it would give our department time to get ready with the amendments, and I would, therefore, suggest to different sections of the House whether 27th would not be suitable to everybody.

Mr. SANTOSH KUMAR BASU: That is exactly what we are suggesting.

Mr. SARAT CHANDRA BOSE: I entirely agree with you, Sir.

Mr. SPEAKER: I have suggested a little more time because we want to come prepared in such a manner that we may proceed with the Bill unhampered and decide the issues more expeditiously.

Mr. K. SHAHABUDDIN: May I suggest, Sir, that on this important Bill, in the event of no compromise, there may be certain motions for recommittal and it would save a lot of time if we meet on the 25th and take up those motions for recommittal which alone would take at least a day or two? Thereafter we may proceed with the consideration of the Bill.

Mr. SPEAKER: I do still hope that there will be a settlement, and let us hope for the best till the last day. And in that hope there

is no harm if we meet a day or two later, which, as I have already said, will, at the same time, help us in expeditiously disposing of the matter. But I still hope there will be an agreement.

Mr. SARAT CHANDRA BOSE: I agree, and may I just add one word? I think it would be to the interest of all parties and would serve the purpose of arriving at a viewpoint which will be acceptable to all parties if you do not fix the date before the 27th.

Mr. SPEAKER: In view of the assurance given that they will try to give me full liberty to expedite certain matters, I will not certainly stand in the way of any discussion, and even in that case I believe I will be able to shorten the debate, if not by some days, at least by a day. My difficulty is that our department has not gone into the amendments which are of a very complicated nature, and I feel that I should have a little more time to deal with them. I do hope that in that view all the parties will agree to the date being fixed for the 27th August. There are certain personal difficulties of mine also in meeting earlier than the 27th. I am glad that there is an agreement on this point. I will now adjourn the House.

Adjournment.

The House was accordingly adjourned at 7-20 p.m. till 4-45 p.m. on Wednesday, the 27th August, 1941, at the Assembly House, Calcutta.

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